



BEAT I. PACIFICI

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A IVSTICE OF PEACE
for IRELAND, consisting
of two Bookes:

The first declaring th'exercise of that office by
one or more Iustices of Peace out of Sessions.
The second setting forth the forme of proceeding
in Sessions, and the matters to be enquired of, and
handled therein.

Composed by
SIR RICHARD BOLTON Knight,
Chief Baron of his Majesties Court of
Exchequer in Ireland.

Whereunto are added many Presidents of Indi-
cements of Treasons, Felonies, Misprisions, *Præmu-
nices*, and Finable offences of Force, Fraud,
Omission, and other misdemeanors of severall sorts,
more then ever heretofore have beene
published in print.

PSAL. 7. vers. 9. *Oh let the wickednesse of the Wic-
ked come to an end, but establish the just: for the
righteous God trieth the hearts and reines.*

DUBLIN,
Printed by the Society of
Stationers, Printers to the
Kings most excellent Ma-
jestic. 1638.

SVMI GVILHELMII BOLD DE TRE-YR-DDÔL
IN COMITATV ANGLESEY ARMIGERI,
EX DONO AVTHORIS.





TO THE RIGHT
HONORABLE,

THOMAS Lord Viscount WENTWORTH;
Baron of Wentworth-woodhouse, LORD
Newmarsh and Oversley; Lord President of
the Councell established in the North part of England,
Lord Lievetenant of Yorkshire, One of his Majesties most
most honorable Privie Councell in England, and
Lord Deputie generall of Ireland.

RIGHT HONORABLE,



Since the Conquest of Ireland made by King
Henry the second, untill of late, the Office
and Authoritie of a Iustice of Peace have
very little or nothing at all beene here un-
derstood or regarded, but have beene alto-
gether eclipsed by those many and often
Rebellions, which have beene in this Kingdome almost in
all ages since that happie Conquest. These Rebellions (after
many yeares continuance) were totally repressed by that il-
lustrious Princeesse *Queene Elizabeth*: who having finished
that worke was called to another Kingdome, there to enjoy
an everlasting Crowne of Glory. Since which time by the
goodnesse of Almighty God, and the most happy, prudent,
and peaceable government of our late Sovereigne King
James of blessed memory, and of his most Excellent Majestie
that now is (especially since your Lordships government
here) that Eclipse is so vanished and dispersed that now the
light of Iustice doth cleerely appeare and shew it selfe in all
parts of Ireland: and the office of a Iustice of Peace is duely
regarded;

The Epistle Dedicatory.

regarded, and his Warrant in all parts of the Kingdome obeyed. So as now it will be needfull that the Iustice of Peace should well understand the duty of his place, and neither exceede, nor come short of the Authority given him, either by Cōmission, or by the statute Lawes of the Realme. And albeit divers worthy and learned men in England have published many profitable Bookes concerning the Pleas of the Crowne, and the Office of a Iustice of peace, yet none of those will be any sufficient guide for the Iustices of peace in Ireland, because the Statute lawes of England and Ireland doe in many things differ: for there be many antient Statutes made in England some whereof are in some things altered, and others repealed (either in part or in the whole) by later Statutes which are not of force in Ireland: (so as those ancient Statutes as they were first enacted remaine still of force in this Kingdome:) and likewise there be many statutes made in Ireland (as well before 10. H. 7. as since) which were never any lawes in England. The consideration whereof hath incited me (although by reason of mine age, and other infirmities least able of all my brethren the Iudges) for the helpe of the Iustices of peace here, to compole this worke according to the lawes and Statutes now of force in this Kingdome: which I humbly make bold to present to your Lordships view & protection, not doubting but as all other labours which any way tend to the advancement of Iustice, & the well ordering of this Common-wealth, so also these poore endeavours of mine to that purpose vwill easily obtaine your favourable acceptance. Mine errors or mistakings I shall humbly beseech your Lordship to pardon & impute them rather to my weaknesse, want of abilitie, and multiplicitie of other imployments then to my will: and to accept of this small mite as a free-vwill offering at the hands of him who for your Lordships many noble favors will not only ever pray for your happinesse and long continuance in this place of government, but also earnestly desire to manifest his thankfulness for the same, and to be accounted

Your Lordships humble and faithfull servant

R. I. BOLTON.



The Method and Contents of the first Booke
conteyning the exercise of the office of one
or more Iustices of Peace out of Sessions.



He first booke beginneth with an Introduction, which
is divided into two Chapters.

The first whereof declarcth who were and yet are
Conservators of the peace at the Common law by
vertue of their severall offices.

The second Chapter thereof setteth forth the
first ordayning of Iustices of the peace, the duty of their places in a
generalitie; the formes of the severall Commissions of the peace
used in Ireland; the meanes how the same may be suspended or de-
termined; the severall oathes which the Iustices of peace are to take;
and lastly a brieve exposition of the first *Assignavimus* in the Com-
mission of the peace. The rest of the first booke is divided into 36.
severall Titles according to the Alphabet: some of which Titles
containe but one Chapter, some others containe severall Chapters,
according to the severall sorts of the matters contained under those
severall Titles.

*The Table of the severall Titles and of the severall matters con-
tained in every Title followeth, viz.*

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| 1. Affray,
ca. 1. | { | 1. The derivation of the word (Affray) Sect. 1. |
| | | 2. What every private man may doe to pacifie an Affray. Sect.
2. 3. 4. 5. |
| | | 3. What a Constable may doe for pacifying an Affray, and pu-
nishing the offenders. S. 6. 7, 8, 9, 10, 11, 12, 13, 14, 15, 21. |
| | | 4. What a Iustice of peace may doe herein. S. 16, 17, 18, 19, 20. |

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| 2. Armour.
ca. 2. | { | 1. Who may weare weapons, or goe armed, and who not. Sect.
1, 2, 3. |
| | | 2. What a Iustice of peace or Sheriffe is to doe when Armour is
worne unlawfully, interrorem populi. Sect. 1, 2, 4, 5. |
| | | 3. What a Constable or other officer may do in such case. S. 1, 5. |

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 3. When and in what case it must be by writing. S. 8. 9. 10.
 4. How and in what maner such warrant ought to be executed. S. 11, 12, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39.
 5. For what causes a Iustice of peace may grant such warrants. S. 14, 15, 16, 17, 18, 19, 20.
 6. Certaine causes for which the Iustices of peace ought not to grant such warrants. S. 21. 22.
 7. To whom such warrants may be directed. S. 24, 25, 28.
 8. What warrants of the Iustices of peace are to be executed by the Constable or other officer, and what not. S. 40.
 9. Abusing the warrant of a Iustice of peace. S. 41.
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 13. The places of imprisonment. S. 78, 79, 80, 81.
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 16. How long the prisoner is to be kept in prison, and in what manner. S. 86, 87, 88, 89, 90.
 17. What persons ought to assist when Posse comitatus is required, and who may raise the same, and in what cases, S. 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103.
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 2. The severall sorts of Barretors. S. 4. and so forward to the end of the Chapter.
 3. The punishment to be inflicted upon Barretors. S. 1.
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 2. Who may baile and let to mainprise. S. 3, 4, 10.
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| 8. Constables, ca. 8. | { | <p>1. That every Iustice of peace may cause two Constables to be chosen in every Barony, S. 1.</p> <p>2. The duty of those Constables: and how they were first ordained, S. 2.</p> <p>3. The ordayning of petty Constables, and the chusing and swearing of them, S. 3, 4, 5, 6, 7.</p> <p>4. The particular duties of those pettie Constables, S. 7, 8.</p> |
| 9. Felonies of severall sorts, containing 20. Chapters, beginning with the 9. and ending with the 28 Chapter. | { | <p>1. What a Iustice of peace may doe for the apprehending of Felons and Traitors, S. 1.</p> <p>2. What a Iustice of peace ought to doe when a Felon or Traitor is apprehended and brought before him, S. 2, 3.</p> <p>3. What felonies Iustices of peace in the County of Dublin may heare and determine, S. 4, 5.</p> <p>4. What Felonies Iustices of peace cannot heare and determine, S. 6, 7, 8, 9, 10, 11, 12, 16, 17.</p> <p>5. How farre Iustices of peace may proceede in such felonies which they have not power to heare and determine, S. 13.</p> <p>6. Where an Endictment of the death of one which is stricken bewitched or poisoned in one County and dyeth in another is made good by statute, S. 14.</p> <p>7. Where the principall is in one County and the Accessarie in another the Endictment of the Accessarie taken in the County where he became Accessarie is made good by statute, S. 15.</p> |

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 3. The severall sorts of homicide. S. 9,10,11,12,13,14,15,16,17.
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 7. No pardon to be granted for murder, and how farre a pardon of all Felonies will extend. S.38,39.
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 4. If the Sheriffe or his Bailiffe killeth one in arresting, which cannot otherwise be arrested, it is no felony. S. 8, 9.
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 7. What shall be said to be homicide in a mans owne defence, & what not. S. 14, 15, 16, 17, 18, 19.
 8. What killing is justifiable, and what not. S. 20, 21, 22, 23, 24.
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 - 2. No Accessarie in a Præmunire, S. 4.
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 - 4. Who shall be said to be Accessories, and who principals, Sect. 7, 8, 9.
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 - 7. Relieving of a Felon not knowing of the felonie, S. 23.
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 - 9. What Acts shall make a man an Accessary after the fact, and what not, S. 25, 26, 27, 28, 29, 30, 31, 32, 33, 34.
 - 10. Accessories to a Felonie done in another County, S. 35.
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 - 14. No Accessarie in Manslaughter, Sc defendendo, or by misadventure, S. 41.

- Ca. 25. Of certaine Rules concerning felonies.

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 - 3. Where stolen goods are stolen from the Thiefe that stole them, the owner may charge either the first or second Thiefe with felony, S. 4.
 - 4. If Cloth or other things bee delivered to a Tayler to make apparell, and be stolen from the Tailer, the offendour may be charged either at the owners or Taylers suite, S. 5.
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 - 6. What a Justice of peace may doe when a Robberie is committed, and the partie robbed will not accuse or prosecute the felon, S. 7.

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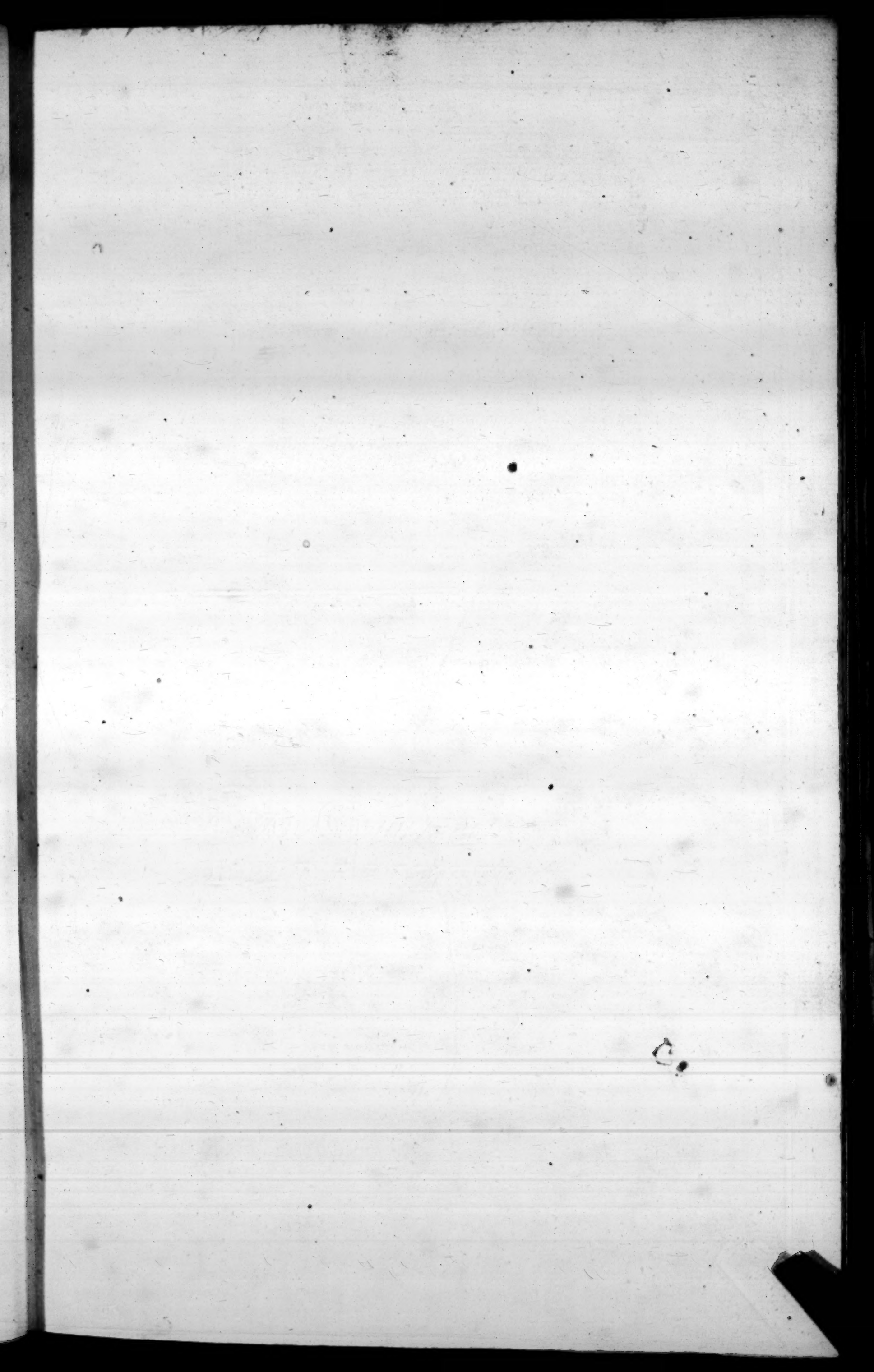
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**SVNI GVILHELMII
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Townesbe Conservators of the peace by vertue of their Office.

11. If any man shall make an Affray or assault upon another in the presence of the Constable: Or if any man shall threaten to kill, beat, or hurt another, and that complaint shall bee made thereof to the Constable, hee may commit the offendour (to the Stockes, or to some other safe custodie for the present, and after may carry him before some Iustice of peace, or to the Gaole) untill hee shall finde suretie for the peace.

12. These conservators of the peace (by the ancient common Law) are to imploy their owne valour, and may also command the helpe, aide, and force of others, to arrest and pacifie all such, who in their presence, and within their Iurisdiction, and limits, by word, or deed shall goe about to breake the peace.

13. Also these Conservators of the peace, if they have committed or bound over, any such offendours, it seemeth they are then to send to, or to be present at, and attend the next Sessions of the peace, or Gaole-delivery, there to object against such offendours.

*The first ordering of Iustices of the Peace,
and their authoritie.*

CHAP. 2.

1. **I**N *Anno Domini* 1327. Iustices or Commissioners of the Peace were first created and ordained by the statute of 1. *Ed. 3. cap. 16.* by which statute it was ordained that in every Shire of the Realme certaine persons should be assigned (sc. by the Kings Commission) to keepe the peace, And their authoritie was after enlarged by the statutes of 4. *Ed. 3. cap. 2.* 18. *Ed. 3. cap. 2.* And 34. *Ed. cap. 1.* And by the said statute of 34. *Ed. 3. cap. 1.* they were first (generally) enabled to heare and determine (at the Kings suite) all manner of Felonies and Trespasses; And each County had now its proper Commissioners for the peace, whereas before (it seemeth) the Commissions to the Iustices of peace were not alwayes made severally into each shire, but sometimes joyntly to sundry persons over sundry shires.

2. But the statute of 36. *Edw. 3. cap. 12.* is the first statute that nameth them Iustices of the peace: For the statutes of 2. *Ed. 3. cap. 6.* and 25. *Ed. 3. cap. 6. 7. 8.* speaking of Iustices seeme not to bee of our Iustices of peace; but that of 2. *E. 3.* as also the statute of *Winchester, cap. 6.* therein mentioned to bee meant of Iustices Itinerants, or Iustices in Eyre; and the other of 25. *E. 3.* to bee meant of Iustices or Commissioners specially assigned for servants and labourers.

3. They be called Iustices (of the peace) because they be Iudges of Record, and withall to put them in minde (by their names) that they are to doe Iustice (which is to yeeld to every man his owne by

even portions, and according to the lawes, customes, and statutes, of this Realme, without respect of persons.)

4. They are named also Commissioners (of the peace) because they have authoritie by the Kings Commission.

5. And here it shall not be amisse to put them in minde how that Iustice may be perverted many wayes (if they shall not arme themselves with the feare of God, the love of Truth and Iustice, and with the authority and knowledge of the Lawes and Statutes of this Realme, As namely

1. First, by feare, when fearing the power or countenance of another, they doe not Iustice, *Deut. 1. 17.* Yee shall not feare the face of man for the judgement is Gods.

2. Favour, when they seeke to please their Friend, neighbour, or others, *Deut. ibid.* Ye shall have no respect of persons in judgement.

3. Hatred or malice against the partie, or some of his, *See Levit. 19. 18.*

4. Covetousnesse; when they receive or expect gift, or reward, for (as the wise man saith) Rewards and gifts doe blinde the eyes of the wise, and make them dumbe that they cannot reprove faults. *Eccles. 10. 12.*

5. Perturbation of mind, as anger, or such like passion. *James 1. 20.* The wrath of man doth not accomplish the Righteousnesse of God.

6. Ignorance, or want of true understanding what is to bee done. *Ignorantia mater erroris.*

7. Presumption when without law, (or other sufficient rule or warrant) they (presuming of their owne wits) proceede according to their owne wils and affections. There is more hope of a foole, then of him that is wise in his owne conceit. *Prov. 26. 12.*

8. Delay, which in effect is a denying of Iustice; *Negligentia semper habet Comittem infortunium, & mora trahit periculum.*

9. Precipitation, or too much rashnesse; when they proceede hastily without due examination and consideration of the fact, and of all materiall circumstances, or without hearing both parties, for as another saith (*qui aliquid statuerit parte inaudita altera aequum licet statuerit, haud aequum est*) hee that shall judge or determine of a matter, the one party being unheard, although he shall give just judgement, yet is he not a just Iudge.

His Ma. speech
in the Star-
chamber Anno.
1616.

6. All these his late Majestie King James hath shortly, yet fully observed in his charge lately given to the Iudges of England (*sc.*) charging them, That they doe Iustice uprightly and indifferently without delay, partiality, feare or bribery, with stout and upright hearts, with cleane and uncorrupt hands, and yet not to utter their owne consents, but the true meaning of the law, not making lawes, but interpreting the Law; (and that according to the true sence thereof, and after deliberate consultation) remembring that their Office is *Ius dicere*, and not *Ius dare*.

7. According to this last also is the rule given in the booke of Iudges,



THE INTRODVCTION.

Of the Conservators of the Peace.

CHAP. I.

BEfore I enter into the handling of the particulars wherein the Iustice of Peace is to exercise his Authority, it will not be amisse in a generality by way of Introduction to set forth how the Common Law hath provided for the preservation of peace, and good government of the Subjects, and how the same hath from time to time beene enlarged by severall Acts of Parliament. It is plaine Co. 3. & 9. and apparant that the common Lawes of England receiving principally part prefat. their grounds from the Lawes of God and nature (which law of nature, as it pertaineth to man, is also called the law of reason) and being for their antiquity those whereby the Realme of England was governed many hundred yeares before the Norman Conquest; the Equity and Excellency whereof is such, as that there is no humane Law, within the circuite of the whole world, by infinite degrees, so apt and profitable, for the honourable, peaceable, and prosperous government of the Kingdomes of England and Ireland, and so necessarie for all estates, and for all causes, concerning life, lands, or goods, as these Lawes beene; These Lawes, I say, even from their beginning have continued a speciall care for the conservation of the peace, and good government of the people. And to that purpose at the Common Law (long before Iustices of the peace were made) there were sundry persons to whose charge the maintenance of this peace was recommended, and who with their other offices had (and yet still have) the conservation of the Peace annexed to their charges, as a thing incident to, and unseparable from those offices; And yet neverthelesse, they were and are called by the names of their offices, onely the conservation of the Peace being included therein.

First, the Kings Majestie (by his Dignitie Royall) is the principall Conservator of the Peace within his Dominions (and is 30. H. 7. 7. 21. *Capitalis* Co. 1. 1. 85.

B

Iusti-

Iusticiarius Anglia) in whose hands, at the beginning, the administration of all Iustice first was, and afterwards by and from him only was this authority derived and given to others.

2. The Lord Chancellour (or Lord Keeper of the great Seale) the Lord high Steward of England, the Lord Marshall, and high Constable of England, the Lord Treasurer of England, and every Iustice of the Kings Bench, and also the Master of the Rolls, have inclosed in their said Offices the conservation of the Peace over all the Realme, and every of these may award precepts, and take recognizance for the Peace by vertue of their places; and the like Officers in Ireland may doe the like.

2. H. 7. 1. Br.
peace. 12.

3. There be others also (who by vertue of their Offices) have the conservation of the Peace, but yet onely within the precinct of their severall Courts, as namely the Iustices of the Court of Common Pleas, the Barons of the Exchequer, and the Iustices of Assise.

4. Also the Steward of the Sheriffes Turne, the Steward of a Leete, and the Steward of a Court of Pypowder, every of these are Conservators of the Peace within their severall Courts; for every of them may commit him to ward, that shall make an Affray in their presence, whilst they be in execution of their Offices; for that these be Courts of Record: and so in all other Courts of Record.

Br. Leet. 19.
F. N. B. 31.

13. H. 4. 12.

31. Ed. 4. 314

5. And as well the Steward of the Sheriffes Turne, as also the Steward of a Leete (during their Courts) may by recognizance binde him to the peace that shall make an Affray in their presence, sitting the Court; And may commit him to Ward, untill hee hath found sureties for the peace. And may also take the examination of Felons at the Common Law, and commit them to the Gaole, and may also take the presentment of any Felony at the Common Law, committed within their precinct; or of any other offence against the peace, except the death of a man. See Br. Leet. 1. 2. 14. 18. 22. 26.

Co. 3. 38.

6. And so if any other contempt or disturbance to the Court shall be committed in any (of the said Courts, or in any other) Court of Record, the Iudge (or Steward) there may impose upon such Offenders a reasonable Fyne.

F. N. B. 81. d.

7. The Sheriffe is a Conservator of the peace within his Countie; And (upon request to him made) he may command another to finde surety of the Peace, and may commit him untill hee finde such suretie.

7. Coroners also by the Common Law, are Conservators of the peace, within the County where they be Coroners: but they have power for the keeping of the peace, only as the Constables have, and no otherwise.

9. The high Constables for hundreds are Conservators of the peace within their severall hundreds and limits.

Br. peace. 13.

10. All petty Constables within the limits of their severall Townes

head Officer of a City, or corporate Towne, and to their Successors, to bee Iustices of peace in their City or Towne, and after maketh out a Commission of the peace to others there, yet the authoritie and Iurisdiction of the Mayor, &c. remaineth good, for that it was granted to them and their successors, and is not revocable at the Kings pleasure, as a Commission of the peace is. And such Iustices of peace by Charter have thereby the same power, that the Conservators of the peace had by the Common law; And it seemeth such power also as is given to the Iustices of peace (or to any one Iustice of peace) by expresse words in any statute: but none of them have thereby the whole power which is ordinarily given to the Commissioners of the peace by their Commission.

20. The other sort of Iustices of peace are by Commission (made *By Commission* of common course) under the great seale, and these are appointed by the discretion of the Lord Chancellour, but the authority of these Commissioners of the peace doth determine by divers meanes; yet more usually by three meanes:

First, by the death of the King, or by his Resignation of the Crowne.

Secondly, at the Kings pleasure, and that in two sorts: Either by the Kings pleasure expresse, as the King in expresse words may discharge them by his writ under the great seale, or by *Supersedeas*: but the *Supersedeas* doth but suspend their authoritie, which may be revived by a *procedendo*. Or by implication (as by making other Commissioners of the same kinde, and within the same limits, leaving out the ancient Commissioners names) *10. Ed. 4. 7. & 3. Mar. 1.*

*50 E. 4. 325
Br. Commis. 18
11. Aff. 210
Br. Commis. 13
Br. Commis. 20
269*

21. But here the ancient Commissioners must have knowledge of such new Commission; for this determination of the old Commission, groweth not immediately by the making of the new Commission; but either by giving speciall notice of the new Commission unto the old Commissioners; Or else by and after the reading (or proclaiming) of the new Commission, at the Assises, Sessions of the peace, or at the full County; Or else by holding of some open Sessions by vertue of the new Commission, (in which two last cases, the old Commissioners must take notice of the new Commission.) And in all these cases, if the ancient Commissioners doe sit, by vertue of their ancient Commission, after such notice or publishing of the new Commission, whatsoever such ancient Commissioners shall so doe is voide: And contrariwise, untill such notice or publishing of the new Commission, whatsoever meane Acts such ancient Commissioners shall so doe, by vertue of their ancient Commission, the same are good in Law. *34. Aff. p. 8. Br. Commis. 14.*

Br. Commis. 22

22. Also in all cases where an ancient Commission of the peace is determined by a new, yet no proce's or suit depending before the old Commissioners shall be discontinued thereby, neither shall any other thing done by the Iustices of the peace, by force of their ancient

11, E. 6. 125

cient Commission be made, or become voide thereby.

Br. Com. 19. 21
Br. Offic. 15.

Dyer. 165.
Co. 7. 30.
Br. Com. 5.

23. Note also that although by the death of the King, or by his resignation, the authoritie of all Iustices of peace (yea and of all Iudges, Commissioners of (Oyer and Termynner) Commissioners of Gaole-delivery, Sheriffes, Escheators, and other Officers that are by Commission) doth cease, yet Mayors, and chiefe Officers in Citties and corporate Townes, which have the authoritie of Iustice of peace, or of the conservation of the peace by Charter, (to them and their Successors) their authoritie still remaineth notwithstanding the Kings death, or resignation.

24. So also the authoritie of the high Constables and pettie Constables remaineth, notwithstanding the death of the King, &c. for that their authoritie is by the common Law, and to their said Office the conservation of the peace remaineth as a thing incident and unseparable from the same.

4. E. 4. 44.
Br. Offic. 25.
Dyer. 165.

25. Coroners also do remaine Conservators of the peace, (within the County where they are Coroners notwithstanding the Kings death, &c. for they are made by the Kings Writ; and not by Commission, and their office and authoritie doth remaine untill they be removed by the Kings Writ; and their office remaining, the conservation of the peace remaineth as incident thereto.

Their oathes,

26. Every Iustice of peace (before he shall take upon him to exercise the office of a Iustice of Peace) shall take two corporall oaths; the one concerning the office of a Iustice of peace; the other concerning the Kings supremacie.

27. The oath concerning the office, seemeth to be by force of the statute made 13. R. 2. c. 7. the forme whereof as it now is followeth in these words, *viz*:

28. Ye shall sweare, that as Iustice of the peace in the County of Dublin in all Articles of the Kings Commission to you directed, you shall doe equall right to the poore, and to the rich after your running wit and power, and after the lawes and customes of the realme and statutes thereof made: And ye shall not bee of Councell of any quarrell hanging before you: And that yee hold your Sessions after the forme of the Statutes thereof made. And the Issues, Fynes, and Amerciaments that shall happen to be made, and all Forfeitures which shall fall before you, ye shall cause to be entred without any concealement (or imbecilling) and truly send them to the Kings Exchequer; ye shall not let for gift, or other cause, but well and truly you shall doe your office of Iustice of the peace, in that behalfe, and that you take nothing for your office of Iustice of the peace to be done, but of the King, and Fees accustomed, and costs limited by the statute; and ye shall not direct, nor cause to be directed, any warrant (by you to bee made) to the parties, but ye shall direct them to the Bailiffes of the said County, or other the Kings Officers (or Ministers) or other indifferent persons

Judges, *sc.* in all causes doubtfull first to consider of the matter, to consult, and then to give sentence. *Judges 19.30.*

8. Yea God himselfe hath given us Presidents of such deliberate proceedings, as you may see in *Genesis, chap. 3, vers. 8. &c.* and *chap. Gen. 3. 8. 9. 11. 18. vers. 21.*

9. These are worthy Directions for all Iustices of peace, that they may carry themselves in their places uprightly and indifferently, not uttering their owne conceites, nor upon the sudden to over-rule things, but after deliberate consideration and consultation, then to proceede to execute the authority committed to them.

10. Iustices of peace are Judges of Record, appointed by the King to bee Iustices within certaine limits, for the conservation of the peace, and for the execution of divers things comprehended within their Commission, and within divers statutes committed to their charge. *Their description or definition.*

11. Now first that the Iustices of peace are Judges of Record, (yea that every Iustice of peace by himselfe is a Iudge of Record, and upon whose sole report and testimony, the law reposes it selfe very much) appeareth more plainly if you observe these things following: *9.E.3.4. 14.H.3.16.*

1. Hee is made under the great Seale, which is a matter of Record.

2. Every Iustice of peace hath judiciall power given unto him by the Commission, *sc.* in the first *assignamus.*

3. Also by some statutes they have judiciall power given them, for they may make a Record of a force by them viewed, and may thereupon fine and imprison the offenders, yea one Iustice of peace may also heare and determine, and punish an offender (in some cases as convicted upon his owne view or examination) as in cases of forcible Deteyner.

4. His warrant (though it be beyond his authority) is not disputable by the Constable, or other inferior Minister, but must be obeyed and executed by them; But this must bee understood, when the Iustice of peace hath Iurisdiction of the cause, for, or concerning which he hath granted his warrant; for otherwise the Constable or other Officer executing such warrant is punishable notwithstanding the warrant. *14.H.3.18. Co.10.7.6.*

5. Hee may take a Recognizance (for the peace, &c.) which is a matter of Record, and which none can doe, but a Iudge of Record, *See Br. Recog. 3. & 14.*

6. His record (or testimony) in some cases is of as great force, and in some other cases, of greater force, then an Indictment upon the oath of twelve men, as in cases of Forcible Entry, forcible Deteyner and Riots.

7. Great cause therefore have the Iustices of P. to take heed that they abuse not this their credit and authoritie, either to the oppressing

sing of the subject, by making untrue Records, or defrauding of the King, by suppressing true Records.

12. Now concerning peace, it is the amitie, confidence, and quiet, that is between men, and he that breaketh this amitie, or quiet, breaketh the peace.

13. Yet peace (in our law) most commonly is taken for an abstinence from actual and injurious force, and offer of violence, and so is rather a restraining of hands, then an uniting of mindes; And for the maintenance of this peace, chiefly were the Iustices of Peace first made.

14. The breach of this peace seemeth to be any injurious force, or violence, moved against the person of another, his goods, lands or other possessions, whether it be by threatening words, or by furious gesture, or force of the bodie, or any other force used *in terrorem populi*.

15. The Office of the Iustice of Peace is principally to be exercised to the suppressing of such injurious and unlawfull force, or violence, and yet the Commission of the P. (being *pro conservacione pacis & pro quieto regimine & gubernacione populi*;) I see not why the Iustices of Peace should be restrained from preventing and repressing such other offences, misbehaviours and deceits as may breake the amitie, quiet, and good government of the people; and whereof discords, and so breaches of the peace doe often arise; (though there appeare neither force nor violence in the offence it selfe) as libellings, cosinages, and such other offences.

16. But it is no part of their office to forbid lawfull suites; albeit they shall doe well to be mediators of peace in such suites and controversies as shall arise amongst their neighbours.

17. The Conservation of the peace (and therein the care of the Iustice of peace) consisteth in three things, *viz*:

1. In preventing the breach of the peace (wisely fore-seeing and repressing the beginnings thereof) by taking surety for the keeping of it, or for the good behaviour of the offenders, as the case shall require.

2. In pacifying such as are in breaking of the peace.

3. In punishing (according to the law) such as have broken the peace.

18. But of the three, the first; *viz*. the preventing part, is most worthy to be commended to the care of the Iustices of Peace.

19. Iustices of peace (at this day) in Ireland are of two sorts, and are appointed or created by two severall meanes, *videlicet*: The one by grant made by the King by Charter under the great seale, as
 By Charter.
 By Commiff.
 Mayors and chiefe Officers in divers corporate Townes: And such the King cannot discharge againe at his pleasure, but they shall continue and enjoy their Iurisdiction, according as their Charters doe enable them: And therefore if the King grant to a Mayor or other head

fons to doe execution thereof. So help you God, &c.

29. The parts of this Oath are shortly fixe.

1. That they shall doe equall right to rich and poore, and according to the lawes and statutes of the realme.

2. That they shall not be of Counsell with any person, in any matter depending before them.

3. That they shall keepe their Sessions according to the statutes, which (as it seemeth) ought to be in the weeke after the Feast of S. *Michael* after the *Epiphany*, after the clause of Easter, and after the translation of S. *Thomas*, which is the third of Iuly.

2.H.5.4.

4. That all Issues, Fines, Amerciaments, and Forfeitures which happen before them, be by them truly entred, and sent into the Exchequer.

5. That they take nothing for doing their office, but of the King, and the accustomed Fees appointed by the statutes.

6. That they shall not direct any their warrants to the parties, but to the Bailiffes of the County, or to other the Kings Officers, or other indifferent persons.

26. The other oath concerning the Kings supremacie, is by force of the statute, made *secundo Eliz. ca. 1.* The forme of which oath also followeth in these words: *videlicet.*

27. I. R. B. doe utterly testifie and declare in my conscience that the Kings Highnesse is the onely supreme governour of this Realme, and of all other his Highnesse Dominions, and Countries, as well in all spirituall and Ecclesiasticall things (or causes) as temporall: And that no forraigne Prince, person, prelate, State, or potentate, hath or ought to have any Iurisdiction, power, superiority, preheminance, or authority Ecclesiasticall, or spirituall within this Realme: And therefore I doe utterly renounce and forsake all forraigne Iurisdiction, powers, superiorities and authorities, and doe promise that from henceforth I shall beare faith and true allegiance to the Kings Highnesse, his heires, and lawfull Successors, and (to my power) shall assist and defend all Iuridictions, privileges, preheminences and authorities, granted or belonging to the Kings highnesse, his heires, and Successors, and united, and annexed to the Imperiall Crowne of the Realme. So help me God, &c.

28. Yet it is most usuall that both these oathes are taken by a speciall Commission: *viz.* by a writ of *Dedimus potestatem*, directed out of the Chancery to some ancient Iustice of Peace to take the same oathes (which by them is to be certified into the same Court,) at such day as the writ commandeth.

29. If the Iustice of peace (or other person) to whom a *Dedimus potestatem* shall be directed to take the oathes of a new Iustice of peace, shall returne the Commission and the Oathes to be taken, when they were not taken, this is fineable in the Star-chamber.

sing of the subject, by making untrue Records, or defrauding of the King, by suppressing true Records.

12. Now concerning peace, it is the amitie, confidence, and quiet, that is between men, and he that breaketh this amitie, or quiet, breaketh the peace.

13. Yet peace (in our law) most commonly is taken for an abstinence from actuall and injurious force, and offer of violence, and so is rather a restraining of hands, then an uniting of mindes; And for the maintenance of this peace, chiefly were the Iustices of Peace first made.

14. The breach of this peace seemeth to be any injurious force, or violence, moved against the person of another, his goods, lands or other possessions, whether it be by threatning words, or by furious gesture, or force of the bodie, or any other force used *in terrorem populi*.

15. The Office of the Iustice of Peace is principally to be exercised to the suppressing of such injurious and unlawfull force, or violence, and yet the Commission of the P. (being *pro conservacione pacis & pro quieto regimine & gubernacione populi*;) I see not why the Iustices of Peace should be restrained from preventing and repressing such other offences, misbehaviours and deceits as may breake the amitie, quiet, and good government of the people; and whereof discords, and so breaches of the peace doe often arise; (though there appeare neither force nor violence in the offence it selfe) as libellings, cosinages, and such other offences.

16. But it is no part of their office to forbid lawfull suites; albeit they shall doe well to be mediators of peace in such suites and controversies as shall arise amongst their neighbours.

17. The Conservation of the peace (and therein the care of the Iustice of peace) consisteth in three things, *viz*:

1. In preventing the breach of the peace (wisely fore-seeing and repressing the beginnings thereof) by taking surety for the keeping of it, or for the good behaviour of the offenders, as the case shall require.

2. In pacifying such as are in breaking of the peace.

3. In punishing (according to the law) such as have broken the peace.

18. But of the three, the first; *viz*. the preventing part, is most worthy to be commended to the care of the Iustices of Peace.

19. Iustices of peace (at this day) in Ireland are of two sorts, and are appointed or created by two severall meanes, *videlicet*: The one by grant made by the King by Charter under the great seale, as
By Charter.
By Commiff. Mayors and chiefe Officers in divers corporate Townes: And such the King cannot discharge againe at his pleasure, but they shall continue and enjoy their Iurisdiction, according as their Charters doe enable them: And therefore if the King grant to a Mayor or other head

sons to doe execution thereof. So help you God, &c.

29. The parts of this Oath are shortly fixe.

1. That they shall doe equall right to rich and poore, and according to the lawes and statutes of the realme.

2. That they shall not be of Counsell with any person, in any matter depending before them.

3. That they shall keepe their Sessions according to the statutes, which (as it seemeth) ought to be in the weeke after the Feast of S. *Michael* after the *Epiphany*, after the clause of Easter, and after the translation of S. *Thomas*, which is the third of Iuly. 2. H. 5. 4.

4. That all Issues, Fines, Amerciaments, and Forfeitures which happen before them, be by them truly entred, and sent into the Exchequer.

5. That they take nothing for doing their office, but of the King, and the accustomed Fees appointed by the statutes.

6. That they shall not direct any their warrants to the parties, but to the Bailiffes of the County, or to other the Kings Officers, or other indifferent persons.

26. The other oath concerning the Kings supremacie, is by force of the statute, made *secundo Eliz. ca. 1*. The forme of which oath also followeth in these words: *videlicet*.

27. I. R. B. doe utterly testifie and declare in my conscience that the Kings Highnesse is the onely supreme governour of this Realme, and of all other his Highnesse Dominions, and Countries, as well in all spirituall and Ecclesiasticall things (or causes) as temporall: And that no forraigne Prince, person, prelate, State, or potentate, hath or ought to have any Iurisdiction, power, superiority, preheminance, or authority Ecclesiasticall, or spirituall within this Realme: And therefore I doe utterly renounce and forsake all forraigne Iurisdiction, powers, superiorities and authorities, and doe promise that from henceforth I shall beare faith and true allegiance to the Kings Highnesse, his heires, and lawfull Successors, and (to my power) shall assist and defend all Iurdictions, privileges, preheminences and authorities, granted or belonging to the Kings highnesse, his heires, and Successors, and united, and annexed to the Imperiall Crowne of the Realme. So help me God, &c.

28. Yet it is most usuall that both these oathes are taken by a speciall Commission: *viz.* by a writ of *Dedimus potestatem*, directed out of the Chancery to some ancient Iustice of Peace to take the same oathes (which by them is to be certified into the same Court,) at such day as the writ commandeth.

29. If the Iustice of peace (or other person) to whom a *Dedimus potestatem* shall be directed to take the oathes of a new Iustice of peace, shall returne the Commission and the Oathes to be taken, when they were not taken, this is fineable in the Star-chamber.

30. So if the new Iustice of peace shall exercise this office before he hath taken both these Oathes, he is likewise fineable in the Star-chamber.

31. Also if a Iustice of peace shall not performe his oath (concerning his office) he is fineable in the Star-chamber, if the neglect be of corruption, or any sinister affection, otherwise, it is if it be by Ignorance onely.

32. Now forasmuch as the authoritie of the Iustices of peace, ariseth partly out of their Commission, and partly out of the statutes, I will set downe the forme of the Commissions now used in Ireland, which are consonant to the Lawes and statutes, and to the politrique government of this Kingdome.

A president
for the Com-
missions of the
peace for all
the countyes
of Ireland ex-
cept Dublin.

Carolus Dei gratia, Anglia, Scotia, Francia & Hibernia Rex, fidei defensor, &c. Predilecto & fideli Consiliario nostro Adamo Vicecomiti Loftus de Ely, Concellario nostro Regni nostri Hibernia, &c. salutem. Sciatis quod nos de fidelitat. & circumspeditionibus vestris plurimum confidentes. Assignavimus & per presentes assignamus vos conjunctim & divisim & quemlibet vestrum Iusticiarios nostros ad pacem nostram in Comitatu nostro Middie conservand. Ac ad omnes ordinationes & statuta pro bono pacis nostra, & pro conservatione ejusdem, & pro quieto regimine, & gubernatione populi nostri edita in omnibus & singulis suis articulis in dicto comitatu nostro, tam infra libertates quam extra, juxta Vim, formam & effectum eorundem, custodiendum & custodiri faciendum, & ad omnes contra formam ordinationum vel statutorum illorum, aut eorum alicujus in comitatu predicto delinquentes, castigandum & puniendum, prout secundum formam ordinationum & statutorum illorum fuerit faciendum. Ac ad omnes illos qui alicui vel aliquibus de populo nostro de corporibus suis, vel de incendio domorum suarum minas fecerint, ad sufficientem securitatem de pace, vel de bono gestu suo, erga nos & populum nostrum inveniendum coram vobis, seu aliquo vestrum venire faciendum. Et si hujusmodi securitatem invenire recusaverint, tunc eos in prisonis nostris quousque hujusmodi securitatem invenerint salvo custodiri faciendum. Assignavimus etiam & per presentes assignamus vos & quoslibet duos vel plures vestrum quorum presat. Cancellar. nostr. aut A. B. aut C. D. unum esse volumus Iusticiarios nostros in & per totum Comitatum predictum, tam infra libertates quam extra ad inquirendum per sacramentum proborum & legalium hominum Comitatus predicti ac omnibus alijs medijs & modis quibus rei veritas melius sciri poterit de omnibus & singulis proditionibus, murdris, homicidiis, incendiis, illicitis assemblationibus, felonis, roberis, veneficiis, incantationibus, sortilegiis, arte magica, transgressionibus, forstallariis, regratariis, ingrossariis & extortionibus quibuscunque. Ac de omnibus & singulis alijs malefactis et offensis quibuscunque de quibus Iusticiarii pacis nostra legitime inquirere possunt aut debent per quosunque & qualitercunque in Comitatu predicto factis vel qua impofterum ibidem fieri vel attemptari contigerint. Ac etiam de omnibus illis qui in Comitatu predicto

predicto in Conventiculis contra pacem nostram in perturbationem populi nostri, seu vi armat. ierunt vel equitaverunt, aut imposterum ire vel equitare presumpserint. Ac de omnibus illis qui ibidem ad gentem nostram maheymandam vel interficiendam in insidiis jacuerunt, aut imposterum jacere presumpserint. Ac etiam de hostellariis, & omnibus & singulis aliis personis qui in abusu ponderum, vel mensurarum, sive in venditione victualium contra pacem & communem legem nostram, ac contra formam ordinationum, vel statutorum, vel eorum alicujus inde pro Communi utilitate dicti Regni nostri, aut populi nostri ejusdem edit. delinquerunt, vel attemptaverunt, aut imposterum delinquere, vel attemptare presumpserint in Comitatu predicto. Ac etiam de quibuscunque vicecomitibus Ballivis, Seneschallis, Constabulariis, Custodibus Gaolarum, & aliis officiariis, qui in executione officiorum suorum circa premissa, seu eorum aliqua indebite se habuerunt, aut imposterum indebite se habere presumpserunt, aut tepidi remissi, vel negligentes fuerunt, aut imposterum fore contigerint in Comitatu predicto. Et de omnibus, & singulis articulis, & circumstantiis, & aliis rebus quibuscunque, per quoscunque & qualitercunque in Comitatu predicto factis sive perpetratis, vel quae imposterum ibidem fieri, vel attemptari contigerint qualitercunque premissorum, vel eorum alicujus concernentibus plenius veritatem, Et ad indictamenta quaecunque sic coram vobis seu aliquibus vestrum capta sive capienda, aut coram aliis nuper Iusticiariis pacis in Comitatu predicto facta sive capta, & nondum terminata inspiciendum. Ac ad processus inde versus omnes & singulos indictatos, vel quos coram vobis imposterum indictari contigerint, quousque capiantur reddant se, vel utlagentur faciendum et continuandum (preterquam super indictamentis de proditionibus et felonis) Et ad omnia et singula veneficia incantationes, sortilegia, artes magicas, transgressiones, forstallarias, regatarias, ingrossarias, extortiones, conventicula indictamenta, ceteraq; omnia et singula premissa (preterquam proditiones et felonias) secundum leges et statuta Regni nostri Hiberniae prout in hujusmodi casu fieri consuevit aut debuit audiendum et terminandum. Et ad eosdem delinquentes et quemlibet eorum pro delictis suis per fines redemptiones amerciamenta forisfacturas ac alio modo prout secundum legem et consuetudinem Regni nostri Hiberniae aut formam ordinationum vel statutorum predictorum fieri consuevit aut debuit castigandum et puniendum. Proviso semper quod si casus difficultatis sive magni momenti super determinationem aliquorum premissorum coram vobis vel aliquibus duobus vel pluribus vestrum evenire contigerit tunc ad iudicium inde reddendum nisi in presentia unius Iusticiariorum nostrorum de uno vel de altero Banco vel unius Baronum de Scacario nostro, aut unius Iusticiariorum nostrorum, ad Assisas in Comitatu predicto capiendas assignatorum coram vobis vel aliquibus duobus vel pluribus vestrum minime procedatur. Et ideo vobis et cuilibet vestrum mandamus quod circa Custodiam pacis ordinationum statutorum, et omnium et singulorum ceterorum premissorum diligenter intendatis, et ad certos dies, et loca quae vos, vel aliqui hujusmodi duo vel plures vestrum ad hoc providideritis super premissis faciatis inquisitiones. Et premissa omnia et sin-

gula (exceptis præexceptis) audiat et terminetis, ac ea faciatis et expleatis in forma predicta facturi, inde quod ad justitiam pertinet, secundum legem et consuetudinem Regni nostri Hibernia. Salvis nobis amerciamentis et aliis ad nos inde spectantibus. Mandamus enim tenore presentium vicecomiti nostro Middie quod ad certos dies, et loca quæ vos vel aliqui hujusmodi duo vel plures vestrum, ut predictum est ei, ut predictum est scire feceritis, Venire faciat coram vobis, vel hujusmodi duobus vel pluribus vestrum, ut dictum est, tot et tales probos et legales homines de Balliva sua, tam infra libertates quam extra per quos rei veritas in premisis melius sciri poterit et inquiri. Assignavimus denique te prefatum. A. B. Custodem Rotulorum pacis nostræ in dicto Comitatu nostro, Ac propterea tu ad dies et loca predicta brevia, precepta, processus et indictamenta predicta, coram te et dictis sociis tuis, vel aliquibus duobus vel pluribus eorum, ut predictum est venire facias, ut ea inspiciantur, et debito fine terminentur sicut predictum est, Teste, &c. Dat. &c.

A president
for the Com-
mission of the
peace for the
County of
Dublin only.

Carolus Dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, fidei Defensor, &c. Adamo Vicecomiti Loftus de Ely, &c. Salutem. Sciatis quod nos de fidelitatibus circumspeditionibus & industrijs vestris plurimum confidentes, Assignavimus vos conjunctim & divisim, & quemlibet vestrum Iusticiarios nostros ad pacem nostram in Comitatu nostro Dublin, tam infra libertates quam extra conservandam, ac ad omnia ordinationes & statuta pro bono pacis nostræ, ac pro conservatione ejusdem, & pro quieto regimine, & gubernatione populi nostri edita in omnibus & singulis suis articulis in dicto Comitatu nostro tam infra libertates quam extra, juxta vim, formam, & effectum eorundem custodiendum, & custodiri faciendum; Et ad omnes contraformam ordinationum vel statutorum illorum aut eorum alicujus in Comitatu predicto delinquentes, castigandum & puniendum prout secundum formam ordinationum & statutorum illorum fuerit faciendum. Et ad omnes illos qui alicui vel aliquibus de populo nostro, de corporibus suis, vel de incendio domorum suarum, minas fecerint ad sufficientem securitatem de pace vel bono gestu suo erga nos & populum nostrum inveniendum, coram vobis seu aliquo vestrum venire faciendum, & si hujusmodi securitatem invenire recusaverint tunc eos in prisonis nostris quousq; securitatem invenerint salvo custodiri faciendum. Assignavimus etiam vos & quoslibet duos vel plures vestrum quorum aliquem vestrum A. B. C. D. &c. unum esse volumus Iusticiarios nostros ad inquirendum per sacramentum proborum & legalium hominum de Comitatu predicto per quos rei veritas melius sciri poterit de omnibus & omnimodis proditionibus, felonijs, veneficijs, incantationibus, sortilegijs, arte magica, transgressionibus forstallarijs, regratarijs, ingrossarijs, & extortionibus, ac de omnibus & singulis alijs malefactis & offensis de quibus Iusticiarij pacis nostræ legitime inquirere possunt aut debent per quoscunq; et qualitercunq; in Comitatu predicto factis sive perpetratis vel que imposterum ibidem fieri vel attemptari contigerint, Ac etiam de omnibus illis qui in Comitatu predicto in conventiculis contra pacem nostram in perturbationem

nem populi nostri seu vi armata ierunt vel equitaverunt seu imposterum ire vel equitare presumpserint. Ac etiam de omnibus hijs qui ibidem ad gentem nostram mayhemandam vel interficiendam in insidijs jacuerunt vel imposterum jacere presumpserint. Ac etiam de hostellarijs et alijs omnibus et singulis personis qui in abusu ponderum vel mensurarum siue in venditione victualium contra formam ordinationum vel statutorum vel eorum alicujus inde pro communi utilitate regni nostri Hibernie et populi nostri ejusdem editorum delinquerunt vel attemptaverunt, seu imposterum delinquere vel attemptare presumpserint in Comitatu predicto. Ac etiam de quibuscunq; vicecomitibus Ballivis, Seneschallis, Constabularijs, custodibus Gaolarum et alijs officarijs qui in executione officiorum suorum circa premissa seu eorum aliqua indebite se habuerunt, aut imposterum indebite se habere presumpserint, aut tepidi remissi vel negligentes fuerunt aut imposterum fore contigerint in Comitatu predicto et de omnibus et singulis articulis circumstantijs et alijs rebus quibuscunq; per quoscunq; et qualitercunq; in Comitatu predicto factis siue perpetratis vel qua imposterum ibidem fieri vel attemptari contigerint qualitercunq; premissorum vel eorum alicujus concernentibus plenius veritatem. Et ad indictamenta quacunq; sic coram vobis seu aliquibus vestrum capta siue capienda aut coram alijs nuper Iusticiarijs pacis in Comitatu predicto facta siue capta, et nondum terminata inspiciendum. Ac ad processus inde versus omnes et singulos sic indictatos vel quos coram vobis imposterum indictari contigerint (preterquam de prodicionibus) quousq; capiantur reddant se vel utlagentur faciendum et continuandum. Et ad omnia et singula felonias, veneficia, incantationes, sortilegia, artes magicas, transgressiones, forstallarias, ingrossarias, regratarias, extortiones, Conventicula, indictamenta, predicta ceteraq; omnia et singula premissa (preterquam prodiciones) secundum leges et statuta regni nostri Hibernie prout in hujusmodi casu fieri consuevit aut debuit audiendum et terminandum, et ad eosdem delinquentes, et quemlibet eorum pro delictis suis per fines, redemptiones, amerciamenta, forisfacturas ac alio modo prout secundum legem et consuetudinem regni nostri Hibernie ac formam ordinationum vel statutorum predictorum fieri consuevit aut debuit castigandum et puniendum, ac gaolam nostram ibidem de prisonarijs in eadem pro feloniam detent. et incarcerat. debito modo deliberand. Proviso semper quod si casus difficultatis vel magni momenti super determinationem aliquorum premissorum coram vobis vel aliquibus duobus, vel iuribus vestrum evenire contigerit, tunc ad iudicium inde reddendum nisi in presentia unius Iusticiarii nostrorum de uno vel altero Banco, aut unius Baronum de Scacario nostro, aut unius de Concilio nostro in lege erudito, coram vobis, vel aliquibus duobus vel pluribus vestrum minime procedatur. Et ideo vobis et cui libet vestrum mandamus quod circa custodiam pacis ordinationum statutorum et omnium et singulorum ceterorum premissorum diligenter intendatis, et ad certos dies et loca, qua vos vel aliqui hujusmodi duo vel plures vestrum ut predictum est ad hoc provideritis super premissis faciatis inquisitiones et premissa omnia et singula audiatis et terminetis ac ea faciatis et expleatis in forma predicta factur. inde quod ad iustitiam pertinet secundum

*dum legem et consuetudinem Regni nostri Hibernia Salvis nobis amerciam-
mentis et alijs ad nos inde spectantibus. Mandamus enim tenore presentium
vicecomiti nostro Comitatus Dublin quod ad certos dies et loca quae vos vel
aliqui hujusmodi duo vel plures vestrum ut predictum est ei ut predictum est
scire feceritis venire faciat coram vobis vel hujusmodi duobus vel pluribus
vestrum ut dictum est tot et tales probos et legales homines de Balliva sua tam
infra libertates quam extra, per quos rei veritas in premisis melius sciri po-
terit et inquiri. Assignavimus deniq; te prefat. A. Custodem rotulorum pacis
nostra in dicto Comitatu nostro ac propterea tu ad dies et loca predicta, breviter
precepta, processus et indictamenta predicta coram te et dictis socijs tuis aut
aliquibus duobus vel pluribus eorum ut predictum est venire facias ut ea in-
spiciantur et debito fine terminentur sicut predictum est. In cujus rei testi-
monium, &c.*

These two Commissions do somewhat differ in the second *Assignavimus*, for by that for the County of Dublin, the Iustices of peace have power to heare and determine felonies, but in the other they have no power given them thereby to heare and determine of any felonie, and the reason of this difference is twofold. First because, no Iustices of Assise and gaole delivery go into the County of Dublin. Secondly, because at the quarter Sessions of the peace there is alwayes one or more of the Iudges or of the Kings counsell present. Also both these Commissions do differ from the usuall Commission of the peace in England in this particular, *videlicet*. By these Commissions, the Iustices of peace have power to enquire of Treason which the Iustices of peace in England by their Commission have not. The reason is because many offences which are common here, are by the Lawes of this kingdome Treason which by the Lawes in England are but felonie.

33. These Commissions have two parts containing the power of the Iustices of peace.

Stat. Winch.
13. E. 1. 2. E. 3.
6. 2. E. 3. 3.

34. The first *Assignavimus*, or first part of the Commission doth give power to any one Iustice of peace more, or all, to keepe and cause to be kept the peace, and all ordinances and statutes made for the conservation of the peace and for the quiet government of the people: As namely the statutes made for Huy and Cry after felons: And the statutes made against Murtherers, Robbers, Felons, Night-walkers, Affrayers, Armour worne in *terrorem*. Riots, forceible Entries, and all other force and violence, All which be directly against the peace. The particulars thereof you shall finde more fully hereafter and most of them under their proper titles.

35. By this first clause in the Commission, the Iustices of peace have aswell all the ancyent power touching the peace which the Conservators of the peace had by the Common law, as also that whole authoritie which the statutes have since added thereto.

36. The meanes which the Iustices of peace must use for the keeping

keeping of the peace, and for the execution of these statutes, is as followeth.

37. For to prevent the breach of the peace the Ju. of P. may send his warrant for the party, and may take sufficient sureties of him by recognizance for the peace, or for the good behaviour, as the case shall require, and may send the partie to the Gaole for not finding such sureties.

38. But for these statutes made for the peace, they are to be executed according to such prescript order as themselves do deliver, wherein if no power at all be expressely given to any one Iustice of peace alone, then can he not otherwise compell the observation thereof (as it seemeth) then by admonition onely. In which behalfe if he shall not be obeyed, he may preferre the cause at the Sessions and to worke it to a presentment upon the statute, and so by the help of his fellow Iustices to heare and determine thereof as law requi-
reth.

39. The second *Assignavimus*, in the Commission doth give authoritie to any two Iustices of the peace, or more, the one being of the *Quorum*, in these five things following.

1. To enquire, by a Iurie, of all offences mentioned within the Commission.

2. To take and view all Iudgments and presentments of the Iurie.

3. To grant out proces against the offenders, except in cases of Treason, in the County of Dublin, and cases of Treason and felonie in the other Counties, thereby to cause them to come and answer to the said Iudgments.

4. To trie and heare all such offences (except before excepted) upon any former or future indictments taken before themselves, or before any other Iustices of the peace after the offenders be come in.

5. To determine thereof by giving Iudgement and inflicting punishment upon the offenders, according to the Lawes and statutes.

40. But all the busines included within the second *Assignavimus*, belongeth to the Sessions of the peace, which is to be declared in the second part of this booke, and therefore I forbear to speake of it in this place.

41. Note also that there be diverse statutes, which be not specified within the Commission, and yet are committed to the charge and care of the Iustices of peace, and are a sufficient warrant and Commission of themselves, although they be not recited in the Commission: And all such statutes are also to be executed, according as the same statutes themselves do severally prescribe and set downe.

42. And for that most of the busines and practise of the Iustices of peace doth consist and lye in the execution of such statutes, as are
committed

committed to their charge (whether they be specified in the Commission, or not specified there) the numbers of which statutes are exceedingly encreased of late yeares to the overburthening of all the Iustices of peace (And the rather) to give some little help to such Iustices of peace who (being destitute of the assistance of such as are learned in the Lawes) are daily to administer Iustice (and to execute their office at home and out of their Sessions) I have for their better ease herein endeavored (in this treatise) to set downe more orderly and particularly the severall parts and branches of every such statute by it selfe, under their proper titles, with further referments to the statutes themselves at large or to the Abridgements.

43. The power and authoritie of the Iustices of peace aswell given them by the said Commission, as by the statutes, is in some cases Ministeriall or regular and limited as a Minister onely; And in some other cases judiciall or absolute and as a Iudge.

44. Ministeriall, when he is thereto commaunded by a higher authoritie.

45. As upon *A supplicavit* out of the Chancery or Kings Bench, for the taking of suretie for the peace, or good behaviour; and a Writ upon the statute of North-hampton, upon a forceible Entrie.

In the execution of which two Writs the Iustice of peace may proceede no further, or otherwise then hee is authorised by such writ, and is also to returne the writ, and to certifie his doings therein, into the Court whence the writ came.

46. But in all other cases the power of the Iustices of peace is absolute (in some manner) so as they, and every of them may of their owne power proceede *ex officio*, and as a Iudge; yet this their power is also limited, for they may neither hang a man for a trespasse, nor fine him for a felony, but must proceede in all things according as they are prescribed by the Commission, and by the said severall statutes.

Discretions

47. And yet, for that all Considerable circumstances can neither be comprehended in the Commission, nor fore-seene at the time of the making of the statutes. Therefore oftentimes some things are referred to the consideration of the Iustices of peace, and left to be supplied by them in their discretion.

48. The Commission of the peace (in it selfe) doth leave litle, or nothing to the discretion of the Iustices of peace, but doth limit them to proceede *secundum leges, consuetudines, ordinationes, et statuta*.

49. But by some late statutes some things are therein by speciall words referred to the discretion of the Iustices of peace, some out of Sessions, and some at their Sessions.

50. I will here onely set downe some particulars of such things as

as are referred to their discretions out of their Sessions.

1. One Iustice of peace may cause all such persons as be meete to labour (by his discretion) to worke in harvest and hay time. Labourers.
23. H. 6. ca. 13.

2. Trespassers in Corne, Orchards, Hedges, or Woods, which in the discretion of the Iustice, are not thought able to give satisfaction shalbe whipped. Trespassers.
10. Carol. ca.
23. in hid.

3. One Iustice of peace may heare and determine by examination or otherwise, by his discretion, the offences committed in Tile making. Tyle.
17. E. 4. ca. 4.

4. Two Iustices may assesse, according to their discretions proportionably all the parishes within the hundred, towards a contribution for the parties charged upon a Robberie &c. 10. Carol. ca. 13.

5. Two Iustices may fine (by their discretion) all buyers and sellers with unlawfull weights and measures. 9. H. 5. ca. 8.

6. There be some other statutes and some other cases wherein the discretion of the Iustices of peace (out of their Sessions) is tolerated. But the Counsell of Cicero herein is to be observed. *Sapientis est Iudicis, cogitare tantū sibi esse permissum, quantum sit commissum ac creditum.*

7. Also the sayings of the late reverend Iudge and Sage of the Law (in his fifth part in *Rooks* case, and in his tenth part in *Keighleys* case) are worthy observation, *sc.* That discretion is a knowledge or understanding to discern betweene truth and falshood, betweene right and wrong, betweene shaddowes and substance, betweene Equity and colourable glosses and pretences, and not to doe according to our wills and private affections, for *talis discretio discretionem confundit.* And therefore in both the recited cases it was holden, that though the words in the Commission of Sewers do give authoritie to those Commissioners to do according to their discretions, that yet their discretion and proceedings ought to be limited and bounded with the rules of reason, Law, and Iustice. Againe, discretion (saith he) is *scire per legem quid sit justum.* And therefore every Iudge, Iustice, or Commissioner ought to have *duos sales, viz. Saleem sapientia, ne sit insipidus. Et saleem conscientia, ne sit Diabolus.* Co. li. 5. fo. 100.
& li. 10. fo. 140.

8. And (as Master Lambert well said) no way better shall the discretion of a Iustice of peace appeare, then if he (remembering that he is *lex loquens*) shall containe himselfe within the lists of Law, and shall not use his discretion but only where both the Law permitteth and the present case requireth,

9. In all cases therefore where the statutes do referre the Triall of offenders (or hearing and determining of offences) to the discretion of the Iustice or Iustices of peace (out of Sessions) it is very requisite that upon such tryall or hearing the said Iustices take due examination of the offenders themselves, or of credible witnesses, (as well concerning the fact it selfe, as the circumstances thereof,) and upon confession or other due prooffe of the offence. Then to proceede according to Law and Iustice.

10. Note that in all cases where the statute referreth the trial, &c. to
D the

the discretion of the Iustices, the said statutes themselves do also enable the said Iust. of P. to take the examination of witnesses upon oath.

11. Note further that the Iustices of peace out of their Sessions, are now armed with farre more ample authority and power than the ancient Conservators of the peace were. For the Iustices of peace have double power given them. The one of Iurisdiction to convent the offenders before them by their warrant (in diverse cases) to examine, heare, and determine the cause. The other of coercion, (*sc.* that after the cause hard) to constraine them to the obedience and observance of their order and decree, which notwithstanding must be according to the rules of Law and Iustice as aforesaid. Whereas the ancient conservatours of the peace had no Iurisdiction or authoritie at all either to convent the offender before them, or to examine, heare or determine the cause, but had onely coercion, prehension or punishment of an offendour, in some few cases.

210.37.

Crompt. 3. 181.

And here I must further put the Iustices of peace in minde, that their authoritie and power is limited to be by them exercised, only within the County or Countyes where they be in Commission; And yet in that or those County or Countyes, the Iustices of peace of the County must not intermedle in any City there, which is a County of it selfe. Nor in any City or corporate Towne there (though it be no County of it selfe,) but within the County which have their proper Iustices of peace within themselves by the Kings Charter or Commission, especially if in such Charter there be any speciall words of prohibition, that the Iustices of the shire. (*Non se intromittant, &c.*) except such Country Iustices shall also be in Commission in such City or Towne corporate.

Crompt. ib.

12. But in other corporate Townes, which have not their proper Iustices of peace; As also in all liberties and Franchises within the County, which have the returne of writs, but have not their proper Iustices, there the Iustices of peace of the County ought to execute their authoritie, and that by the words of their Commission.

Co. 4. 45.

13. Againe, if a parish shall extend into two or more Counties. Or if part thereof shall lye within the liberties of any City, or Towne corporate (which have their proper Iustices) and part without. Then as well the Iustices of peace of every County as also the Iustices, or officers of such City or Towne corporate shall intermedle only within their owne proper and distinct limits & bounds, *sc.* within so much of the said parish, &c. as lyeth within their severall liberties and limits, and not to invade or deale in other jurisdictions, for it shall be against Law & reason where offices and Iurisdctions are severall, that the one should intermedle within the Iurisdiction of the other.

Vbi quis delin-
quet ibi puniet.

14. Neither shall any Iustice of peace deale in, or punish any trespasse, or other like offence, committed in any other County (against any penall statute) though such offender shalbe brought before him; Except the statute shall specially enable them thereto, or that it be for

for matters of the peace, or in cases of felonie or Treason; in which cases onely he may take examinations both of the offendour and accusers, and commit the offendours to prison, and security for the peace if it be offered.

15. Neither shall any Iustice of peace for the time that he shall make his abode or be out of the County where he is in Commission, exercise his office: For being out of the County where he is in Commission, he is but a private man. *ve. post. 23.*

16. Now my purpose is to set downe more particularly what things Iustices of peace out of their Sessions of the peace may do in the execution of their Commission, or of the statutes wherewith they are charged. And herein you must observe that some things are permitted to be executed by any one, two, or more Iustices, either in regard that such Iustice or Iustices is or are next to the place, or are of the *Quorum*, or the like.

17. And here note that whatsoever any one Iustice of peace alone may doe (either for the keeping of the peace, or in other execution of the Commission or statutes) the same also may lawfully be done and performed by any two, or more Iustices.

18. But where the Law giveth authority to Two, there one alone cannot execute this, for *una persona non potest supplere vicem duarum. Et plus vident Oculi quam oculus.* *co. li. 4. fo. 46.*

19. Also when things by statute are appropriated to some one certaine Iustice, or to more, there such Iustice or Iustices are to pursue such their authoritie accordingly, for where an authoritie is given to foure, or to one of them, if two of them shall execute this, it seemeth they have not pursued their authoritie. *co. li. 11. fo. 92.*

20. Besides there seemeth a generall rule to be put in *Stradlings* case (in *M. Pl.*) that when a thing is appointed by any statute to be done by, or before one person, certaine that such thing cannot be done by or before any other. But that it ought to be done as the statute hath appointed, and by such expresse designation of one, or power given to one certaine person, all others are excluded. *Pl. fo. 206. 6. Sec. co. li. 11. fo. 59. & 64.*

21. And in such things appropriate to some one or more Iustices of peace, if without such Iustice or Iustices, all (or any of) the residue of the Iustices of that County shall intermedle therein. Such their doings is no wayes warrantable, and in such their proceedings there is no necessitie to obey them, as being no lawfull Iudges of the cause.

22. Now having made a brieve declaration of the office of Iustices of the peace in generall by way of Introduction I shall proceede to the particulars of their imployment in severall Titles according to the Alphabet.

Affray. CHAP. I.

1. **A**ffray, is derived of the French word *Effrayer*, which signifieth

fieth to terrifie, or bring feare, and which the Law understandeth to be a common wrong, and therefore I will shew you what every man may doe in such cases.

Every private
man.

2. Every private man being present before, or in and during the time of an Affray, ought to stay the Affrayors, and to part them, and to put them in sunder, but may not hurt them, if they resist him, for that he is but a private man.

3. An Affray being in the street, if any other shall come with harnesse or weapon to joyne with either part, every person present, or that seeth it, may stay them till the Affray be over.

4. Also every private man (being present) may stay the Affrayors, untill their heat be over, and then may deliver them to the Constable to imprison them till they finde surety for the peace.

3.H.7.cap.1.
Br.Coron. 215.

5. If any person be dangerously hurt in any Affray, or otherwise, every person may arrest the offender, and carrie him to a Iustice of peace (who is either to baile him, untill the next gaole deliverie, or to commit him to the gaole, untill it be knowne whether the party hurt; will live or dye thereon.)

The Constable.

6. The Constable in such cases is armed with a more large authority, for he may and ought in the Kings name to command the Affrayors, or such as are about to make an Affray, to avoide or surcease, and to depart; And if the Constable (being present at an Affray) doth not his best to part them, it being presented at the Sessions of the peace, such Constable shall be deeply fined for it.

3.H.7.10.

7. If the Affrayors will not depart, but shall draw weapon, or give any blow, the Constable may command assistance of others for the pacifying of the Affray, and may justifie the hurting of them, if they make resistance.

8. The Constable may in the Kings name command the Affrayors to keepe the Kings peace.

8.Ed.3.8.&11.

9. The Constables may commit the Affrayors to prison for a small time, till their heat be over; yea they may imprison the Affrayors till they finde sureties for the peace, And if any of the parties hath received any dangerous hurt in the Affray, the Constable ought to arrest and carry the offender to the gaole (or to a Iustice of peace) to the end he may finde suretie to appeare at the next gaole deliverie, and the Constable may justifie the beating of such an offender, if he will not obey the arrest, but make resistance, or flyeth.

10. Note, that it is properly no Affray, unlesse there be some weapons drawne, or some stroke given, or offred to be given, or other attempt to such purpose. For if men shall contend onely in hot words, this is no Affray; neither may the Constable for words only lay hands upon them, unlesse they shall threaten to kill, beat, or hurt one another, and then may the Constable arrest such persons (to goe before some Iustice of peace, to finde sureties for the keeping of the peace) and yet such threatening is no Affray.

11. If

11. If the Affray be in an house, and the doores shut, the Constable may breake into the house to see the peace kept, because he by his office is a Conservator of the peace by the common Law.

12. If the Affrayors flie into another mans house, the Constable 7. Ed. 3. 19. (in fresh suite) may breake into the house and apprehend the Affrayors. 7. Ed. 3. 19.

13. If the Affrayors flie into another County, the Constable (or Iustice of Peace) seeing this, may in fresh suite pursue, or cause them to be pursued, and to be taken there, but they can then medle no further but (as every private person may doe) to carry them before some Iustice of peace of the County where they are taken, to cause them to find suretie for the peace. Pla. 37. A. Crom. 146. B. & 172. b.

14. But if the Affrayors flie into a Franchise within the same County, the Constable (or Iustice of peace) seeing this, may in fresh suite pursue and take them out of such Franchise. Cromp. 146.

15. After the Affray (it seemeth) the Constable without a warrant cannot arrest the Affrayors, except some person be in perill of death by some hurt there receyved. F. Imp. 6.

16. Every Iustice of peace may do that, which every Constable or private man may do by the common Law.

17. Besides every Iustice of peace (within his limits) may presently after the Affray, commit the offenders, untill they have found suretie for the peace, if the Affray were in his presence. And if the Affray were not in his presence then upon Complaint or upon his owne discretion, he may after make his warrant to take and commit such offenders, untill they have found suretie for the peace. 9. Ed. 4. 3. Cromp. 195. 196.

18. If an Affray be made in the presence of a Iustice of peace, he may lay hands upon, and arrest the offenders, to finde sureties, &c. and may take away their weapons.

19. Every Iustice of peace (in his owne discretion) and *ex officio*, The Iustices may binde all such to the peace as in his presence shall strike another, or shall threaten to hurt another, or shall contend onely in hot words. *vide tit.* Suretie for the peace.

20. If any person be dangerously hurt, in an Affray (or otherwise) every Iustice of peace within the yeare and day after such hurt, may commit to the gaole such offenders, there to remaine untill the day and yeare be expired, or that the said offenders shall finde sureties to appeare at the next generall gaole deliverie to answer to the felonie, if the partie hurt happen to die within the yeare after the hurt. F. Iust. P. 137. 10. H. 7. 30. Cromp. 154.

21. If an Affray, or assault shalbe made upon a Iustice of peace, or Constable, they may not onely defend themselves, but may also apprehend, and commit the offenders, untill they have found sureties for the peace, the Iustice of peace may send them to the gaole, but the Constable must commit them to the Stockes for the present, and after carry them before a Iustice of peace. 3. H. 7. 61.

Armour. CHAP. 2.

One Iustice.

2.E.3.cap.3.
P.1.
20.R.2.ca.1.Lamb. office of
a Constable.
13.

1. IF any person shall ride, or goe armed offensively before the Iustices or any other the Kings officers, Or in Fayres, Markets, or elsewhere (by night or by day) in Affray of the Kings people (the Sheriffe and other the Kings officers, and every Iustice of peace (upon his owne view or upon complaint thereof) may cause them to be stayed and arrested, and may bind all such to the peace or good behaviour, or for want of sureties, may commit them to the Gaole; And the said Iustice of peace (as also every Constable) may seize and take away their armour, and other weapons, and shall cause them to be praised and answered to the King as forfeited, and this the Iustice of peace may do by the first *Assignavimus* in the Commission.

2. So of such as shall carry any Guns, Dagges, or Pistols that be charged, or that shall goe apparellled with privy Coates, or doublets, the Iustice may cause them to finde sureties for the peace, and may take away such weapons.

3. And yet the Kings servants in his presence, and Sheriffes and their officers, and other the Kings Ministers, and such as bee in their company assisting them, in executing the Kings processe, or otherwise in executing of their office, and all others in pursuing Hue and Cry where any Treason, Felony, or other like offences against the peace, be done, may lawfully beare armour or weapons.

4. Also any Iustice of peace may command that weapons be taken from such prisoners as at any time shall bee brought before him.

5. Also if any servant to husbandrie, or to any Artificer, or Viualer, or any Labourer, shall beare any Buckler, Sword or Dagger, (except they be travelling with their Master, or in their Masters message.) Every Iustice of peace may imprison them, till they have found sureties for the peace, and may seize and take away their said weapons, or may cause the Constable to seize the same, and to present the said weapons at the next Sessions of the peace.

12.R.2.6.P.2.

Arrest and imprisonment by what warrant, and how, and in what manner it may be executed.

CHAP. 3.

What.

1. AN arrest is the apprehending, and first restrayning of a mans person, depriving it of his owne will and liberty, and may be called the beginning of Imprisonment.

2. Imprisonment is where a man is arrested against his will, and is restrained of his libertie, by putting him into the Gaole, cage, or Stocks, or into some house, or otherwise by keeping him in the high street,

street, or open field, so as he cannot freely goe at libertie, when and whither he would.

3. Now concerning the precepts and warrants made by the Ju- By Parol.
stices of peace.

4. The Iustice of peace (seeing that he is a Iudge of Record) his precept or Commandement by word of mouth, in some cases is as strong as his precept in writing.

5. And therefore the Iustice of peace upon a Riot done in his presence, may command the Riotters to be arrested, and cause them to finde sureties for their good behaviour.

6. So upon an Affray, assault, threatening, or other breach of the peace done in his presence, the Iustice of peace may command by word the Officer being present, or his owne servant to arrest such offenders, to finde sureties for the peace.

7. And where the Iustice of peace commandeth one being present, to arrest another that is also in his presence, though that commandement be by word only, it is good, and it is reputed as an arrest made by the Iustice himselfe, he being present when the arrest is made. 14.H.7.8,9.

8. But the Iustice of peace cannot command by word, to arrest another being out of his presente, neither may one in the absence of the Iustice arrest another upon his command by paroll, but it must be by a precept, or warrant in writing. 14.H.7.8. Br. peace.7.

9. Next the warrant or precept of a Iustice of peace by writing ought to be under his hand and seale, or under his hand at least. By writing.

10. And if it be for the peace or good behaviour, or the like, where sureties are to be found or required, There the warrant ought to containe the speciall cause and matter whereupon it is granted, to the intent that the party upon whom it is to be served, may provide his sureties ready and take them with him to the Ju. of peace to be bound for him. But if the warrant be for Treason, murder or felony, or other capitall offence, or for great conspiracies, rebellions, assemblies, or the like, it needs not containe any speciall cause, but there the warrant of the Ju. of peace may be to bring the party before him to make answer to such things or matters generally as shalbe objected against him, on the Kings Majesties behalfe, and this is now the common usage. Crompt. 148.

11. A Iustice of peace who is dwelling out of the County granteth his warrant to be served within the County, the officer cannot carry the party out of the County to the Iustice of peace who made the warrant, but must carry him before some other Ju. within the County. Pl. 37. de. ante. 19.

12. The Iustice of peace may make his warrant of the peace to bring the party before himselfe, and then the officer need not to carry the party before any other Iustice, And yet upon a warrant for the peace granted *ex officio*, the usuall manner is otherwise. Br. Peace. 9. Co. 5. 59.

13. Also

13. Also the Iustice of peace may in some cases make his warrant to attach the offender to be at the next Sessions of the peace, there to answer his said offence.

For what
cause.

14. A Iustice of peace (*ex officio*) by the the first *Aſſignavimus* in the Commission, may grant his warrant to arrest or attach one that hath broken the peace, or committed other misdemeanour against the peace, to find sureties for the peace or good behaviour.

15. Also the Iustices of peace in diverse cases (as the case shall require) do use to grant their warrant against a man for his neglect, or other default, as for refusing to pay Country or Towne Rates and the like, and is warranted by the first *Aſſignavimus* of the Commission, for it is *pro bono regimine*.

16. And such warrant may be either to attach the offender to be at the next Sessions, there to answer &c. or els to bring the offender before the said Ju. or any other Iustice, &c. who finding cause, may bind such an offender to appeare at the next Sessions, to answer the said default.

17. Also wheresoever any statute doth give authority to the Iustices of peace to cause another person to do a thing, there it seemeth, they have power given them (of congruity) to grant their warrant to bring such person before them, that so they may take order therein.

18. Also a Iustice of peace may grant his warrant to attach persons suspected of felony or Treason, and that by the first *Aſſignavimus*, in the Commission, and by the true construction of the statute of 5. Ed. 3. 14.

19. Againe, if a felony or Treason be committed, there is no doubt but that every private man without a warrant may arrest whomsoever he suspecteth of it, being a man of evill fame, &c. But if the offender being pursued shall resist, who shalbe ayding to a private man whose goods are stolne, and who suspecteth another to have stolne them, either to search for his goods or to apprehend the party suspected, if the Iustice of peace by this warrant shall not command the Constable to ayde him therein. If it be objected that the Constable may do all this of his owne authority (upon request to him made by the party robbed) it is true, and yet we find by common experience that the Constables without the Iustices warrant therein, are for the most part, both very fearefull and also remisse, as neither knowing their owne authoritie, nor the danger.

20. Besides, this is no new thing, for there is such a president in the old booke of Iustices of peace (impress. 1561. F. 41. a.) and it is the Common practise at this day, and seemeth to be very serviceable.

Crom. 197.

21. Next for the Iustices of peace to binde over, or to grant a warrant against offenders upon any penall statute, to appeare at the Sessions, to answer to their offence or fault, though such statute be within

within the power of the Iustices of peace, yet such warrant or binding over of such offenders is not warranted, unlesse it be specially so appointed in the statute,

22. But such offenders ought first to be indicted, and thereupon the ordinary proceſſe from the Sessions to be issued by the Clerke of the peace, is to be awarded against them, untill they come in.

23. And yet there bee fundrie presidents of Attachments made from one Iustice of peace against labourers and servants, that shall refuse to serve, or that shall depart out of their service &c. contrary to the statutes, to be before the Iustices at their Sessions, to answer to their said defaults. But these seeme also to be warranted and so appointed by the statutes of Laborers made in anno 23. Ed. 3. Anno. 25. *Raft. 232. D.*
Id. 3. ca. 6. and other statutes to that purpose.

24. The Iustice of peace may direct his precept or warrant to the Sheriffe, Bailiffe, Constable or other officer, or to any other indifferent person by name, though he be no officer, yea to any person that he shall thinke meet, but yet the safest way is to direct it to the Constables, or to some other sworne officers, *To whom directed. 14. H. 2. 16. B. peace. 6.*

25. A warrant directed by the Iu. of peace to the Constable or other sworne officer, and to a stranger who is no officer, and the warrant is made *conjunctim et divisim* and is delivered to the stranger who executeth it, all this is good. *Cromp. 147.*

26. A warrant directed by the Iu. of P. to the Sheriffe, he may by word command his undersheriffe, Bailiffe, or other sworne officer to serve it, without any precept by writing.

27. But if the Sheriffe will command another man (that is no such knowne officer) to serve it, he must deliver him a precept in writing, otherwise a writ of false imprisonment will lye for the arrest.

28. A warrant directed by the Iu. of P. to the Sheriffes, Baliffe, or to the Constable, or to the Iu. servant, or to an estranger, to arrest one &c. such person to whom that warrant is made, must serve it himselfe, for these can command none other to do it neither by word nor writing, nor make any deputy.

29. The officer to whom any warrant shalbe directed and delivered, ought withall speed and secrecy to seeke and finde out the party, and then to execute his said warrant. *The officers dutie.*

30. A sworne and knowne officer, be he Sheriffe, undersheriffe Bailiffe, or Constable &c. needs not to shew his warrant to a man when he cometh to serve it upon him, although he demandeth it, *3. E. 4. 114. 14. H. 7. 9. b. 20. H. 7. 11. 21. H. 7. 24. Co. 9. 69.*
 But if the Iustice will direct his warrant to his servant, or to another (who is no sworne officer) to serve it, they must shew their warrant to the party, if he demand it, or otherwise the party may make resistance, and need not to obey it.

31. But a knowne and sworne officer, if he will not shew his warrant to the party, yet he ought, upon the arrest, to declare the contents of his warrant &c. *co. 6. 54. & 96. 8.*

Co. 9. 69.

32. And an officer giveth sufficient notice what he, is when he saith to the party, I arrest you in the Kings name, &c. And in such case the party at his perill ought to obey him, though he knoweth him not to be an officer, And if he have no lawfull warrant, the party grieved may have his action of false imprisonment against him.

Dyer 244.
F. Bar. 148.

33. If an officer do arrest a man for the peace, or the like, before that he hath any warrant, and then afterwards doth procure a warrant (or a warrant commeth after to him) to arrest the party for the same cause, yet the first arrest was wrongfull, and the officer is subject to an action of false imprisonment.

34. Where they be two or three knowne by the name of I. S. of D. yeoman and upon a warrant or other processe granted out against one of them, another of them is arrested, an action of false imprisonment will not lye against the officer for this, for the officer is not bound at his perill, to take notice which of them is the offender, And perhaps no particular offence is mentioned in the warrant.

10. E. 4. 12.

35. Where a warrant is granted out against I. N. the sonne of W. N. and the officer thereupon arresteth I. N. the sonne of T. N. although in truth he be the same person that offended, and against whom the complaint was made, yet this arrest is tortious, and the Officer subject to an Action of false imprisonment.

36. The officer upon any warrant from a Iustice of peace for the peace, or good behaviour, or in any other case where the King is a party, may by force breake open a mans house, to arrest the offender.

60. J. 4. 52.

37. If an officer or other person hath arrested a man by vertue of his warrant, which he hath from a Ju. of peace, and then taketh his promise that he will come againe to him such a day to go to the Ju. with him according to his warrant (and so letteth the party goe) who comes not againe at the day appointed, the officer cannot after arrest or take him againe by force of his former warrant, for that this was by the consent of the officer, But if the party arrested had escaped of his owne wrong without the consent of the officer, now upon fresh suite the officer may take him againe, although he were out of view, or that he shall flee into another Towne or County.

21. H. 7. 39.

38. Where an officer hath received a warrant, he is bound to pursue the effect of his warrant in every behalfe, or otherwise his warrant will not excuse him of that which he hath done.

24. H. 8. 16.

39. If an officer having a lawfull warrant to arrest another shall be resisted, or assaulted by the party, or by any other person, then may that officer justifie the beating or hurting of such persons, and others, upon his prayer, may and ought to ayde the Officer.

40. If a Iustice of peace shall make any warrant for a matter wherein he hath jurisdiction, although it be beyond his authority, yet it is not disputable by the Constable, or other such officer, but must be obeyed and executed by the Officer. As if the Ju. of peace shall

shall make his warrant to arrest one for the peace, or good behaviour without cause, the officer shall not be punished for executing this. But if a Ju. of P. shall make his warrant to do a thing out of his Jurisdiction, or in a cause whereof the Justice of peace is no Judge, if the officer shall execute such a warrant, here he is punishable, for the officer is not bound to obey him who is not Judge of the cause, no more then a meere stranger. And so note that the officer is bound to take notice of the authority and jurisdiction of the Judge. 22. *Aff.* 64. *Pl.* 394. b.

41. If any man shall abuse the Ju. of peace his warrant as by casting of it into the dirt, or treading it under his feet, he may be bound to his good behaviour and may also be indicted and fined, for it is the Kings proceffe.

42. When any person cometh before the Ju. of peace by force of any warrant for the peace, good behaviour, or for a Riot, or the like, the party must offer sureties, or else the Ju. may commit him.

43. If a Justice of peace shall grant his warrant, to one to apprehend another for Treason or felony, it shalbe safe for the Justice upon the delivery of his said warrant, to take (upon oath) the examination of the said party that requireth the warrant, or at least, to bind him over by recognizance to give Evidence at the next gaole delivery against the offendour, least that afterwards when the offendour shalbe brought, by the officer, before the Ju. upon his said warrant, or else happen to yeild himselfe to the said Justice, then the party that procured the warrant be gone.

44. If the Constable or other officer (upon a warrant received from a Ju. of peace) shall come unto the party, and require, or charge, or command him to goe or come before the Ju. this is no arrest or imprisonment, and upon a warrant for the P. the officer ought first to require the party to goe before the Ju. before he may arrest him.

45. But this arrest (being in execution of the commandement of some Court or some officer of Justice) is expressed in their writs, precepts, or warrants, by these words, or the like, *sc: Capias, Attachias, &c.* to attach, arrest, take, bring, or convey, or cause to be attached, arrested, &c. All which words do imply the taking, and laying hold of the person.

46. To this arrest all lay persons (under the degree of Barons or peerages of the Realme) be subject, and that by warrant from the Justices of peace, as you may see here, tit. Surety for the peace. What persons.

47. But the Ju. of P. are not to grant their warrants for the peace or the like against any noble man: And yet if a *capias*, or attachment shalbe awarded against a Baron or Peere of the Realme from the K. Justices at Dublin for a contempt, or in case, of debt or trespassse, the officer without any offence of Law, may execute the same, for that the officer is not to dispute the authority of the Court.

48. Ecclesiasticall persons also may be arrested and that by warrant.

warrant from the Iustices of peace in some cases, see more hereof in the Title. *Suretie for the peace.*

A woman covert, may be imprisoned by the Ju. of P. for a force or Riot committed by her.

49. But otherwise of young Infants in such cases, yet if an Infant of yeares of discretion cannot find sureties for the peace, being demanded against him, he shalbe committed untill he hath found sureties.

50. The liberty of a man is a thing specially favoured by the common Law of this land, and therefore if any of the K. subjects shall imprison another without sufficient warrant, the party grieved may have his Action of false imprisonment, and shall recover damages against the other, And the King also shall have a Fine of him: For imprisonment of another without authority of the Law.

P. Accusat. 1.
5. E. 3. ca. 9.

Co. 10. 74.
& 75.

51. Also by the statute of *Magna Charta* made 9. H. 3. ca. 29. No freeman shalbe taken or imprisoned &c. but by the lawfull judgement of his equals (sc. by the verdict of a Iury of 12. good and lawfull men) or by the Law of the realme: And by this statute of *Magna Charta*, Every arrest or imprisonment and every oppression against the Law of the land is forbidden, and if any Iudge, Officer, or other person against the Law shal usurpe any jurisdiction, and by colour thereof shall arrest, imprison or oppresse any man, it is punishable by this statute. See Co. 10. 75.

52. Note that all jurisdictions ought to be either by Charter or by prescription, Co. 11. 99.

41. Aff. p. 5.

53. Also by the statutes of 25. Ed. 3. cap. 4. & 42. Ed. 3. cap. 3. No person shalbe taken, nor put to answer, unlesse it be by indictment or presentment (of a Iurie) before Iustices, or matter of record, or by due processe made by writ originall at the common Law, 42. Aff. 5.

42. Aff. p. 5.

54. A Commission to arrest or take a man (and his goods) was holden to be against Law, for that this ought to be either upon indictment, or suit of the party or other due processe of Law. *Br. Commiss. 15. 16. & Faux Imprif. 9.*

55. Neither shall any man commit another to prison, except he be a Iudge of Record. Co. 10. 103.

See Co. 3. 12. A.

56. And yet for misdemeanors done against the Kings peace the offenders aswell by the common Law, as by diverse statutes, may be arrested and imprisoned, by the officers of justice, and sometimes by private persons (as hereunder followeth) without either presentment or processe &c. And these being by the Law of the realme, are warranted by the aforesaid statute of *Magna Charta*, As every private man may arrest another whom he knoweth to have committed a Treason, robbery, manslaughter, or other felonie, and may deliver him to the Constable of the Towne where such an offender is apprehended, Or in the Constables absence may imprison and set him in the stocks, and if there be no stocks there, it seemeth he may carry the

10. E. 4. 17.

9. E. 4. 18.

the offender to the next Towne and deliver him to the Constable there, or bring him before a Iustice of peace to be by him committed and examined. *Vide 9. E. 4. 28.*

57. Also when a Treason or felony is committed, every man may arrest suspicious persons that be of evill fame, and if such person shall make resistance, the other may justifie to beat him.

58. But for the arresting of such suspicious persons, note that there must be some Treason or felony committed indeed.

59. Also the party that shall arrest such suspected person must have a suspicion of him himselfe, and for the same Treason or felony; *9. Ed. 4. 28.* or otherwise suspicion generally is no cause to arrest another.

60. So that when any Treason or felony is done, every man that shall suspect another to be guilty thereof may arrest him, *5. H. 7. 4.* *B. Br. Faux. Imprisonment 16.*

61. Also when a felony is committed, the common voice and fame that I. S. did the felony, is sufficient cause for any man to suspect him, and to arrest him. Also Huy and Cry after I. S. for felony, seemeth to be sufficient cause to arrest him, though there be no felony committed: Also Huy and Cry is sufficient cause to arrest any suspicious person. *5. H. 7. 4.*

62. So when a felony is done, to be in company of the offenders, is sufficient cause to arrest him. So to live idly and vagrant is good cause of suspicion, Also every man may arrest such as apparantly goe about to commit any felony, and may imprison them. *9. Ed. 4. 28. Nedham.*

63. Also upon Huy and Cry for goods stolne (*sc.* for a horse or Bullockes, &c. of such a colour, &c.) If A. bee taken driving or leading such a horse, or bullocke, or having such other stolne goods about him, though he be a man of good name and credit, yet every man may apprehend and stay A. hereupon, and may deliver him to the Constables by them to be set in the stocks, or safely kept, untill they can carrie him before a Iustice of peace, that so he may be delivered by course of Law. *29. Ed. 3. 39. 5. H. 7. 4.*

64. If any man shall be dangerously hurt in an Affray, or otherwise, every man may arrest and imprison the offendour. *10. H. 7. 28.*

65. Nightwalkers, being strangers, or suspected persons, watchmen may arrest them, and may stay them till the morning; yea every man may arrest such Nightwalkers, for it is for the good of the Common-wealth, *4. H. 7. 18. Br. Faux Imprisonment 15.*

66. The Sheriffe, Bailiffes, Constables, and other the Kings officers may arrest and imprison offendours, in all cases where a private person may, and without any writ or warrant. *By officers.*

67. A Constable being informed of a lewd man and woman that are together in incontinency, may take with him so many of his neighbours as he will, to arrest the said man and woman, to finde sureties for their good behaviour. *1. H. 7. 7. 13. H. 7. 16.*

68. The Iustice of peace may arrest and imprison offendours in all

all cases, where a private person, or Constable may.

69. The Ju. of P. upon his owne motion and discretion, or upon complaint, may also grant out his warrant, for the arresting or conventing before him, of all such persons as shall breake, or goe about to breake the peace, or as he shall suspect to bee inclined to breake the peace, and may commit them to prison, if they shall refuse to finde, or cannot finde sureties for to keepe the peace.

70. The Ju. of peace, in diverse cases, may in like sort grant out his warrant, for the good behaviour, against offenders, and commit them to prison, for not finding sureties accordingly.

71. And these things the Ju. of peace may doe by force of the Commission and of the statutes 18.E.3.ca.2.et 34.Ed.3.cap.1.

72. If one cometh before the Iustice of peace upon his warrant for the peace, good behaviour, or for a Riot, or the like, the Iustice needeth not to demaund surety of him, but may commit him, if he do not offer it *Br. peace 7.*

73. Also the Iustices of peace upon their owne view of the offences may imprison the offenders against diverse penall Lawes, as namely such as shall make any forceible Entries or holdings, of possessions.

74. There be diverse other offences which by the statutes are committed to the Ju. of peace (out of their Sessions) to heare and determine, And of which the offenders shalbe convicted sometimes upon their owne confession, before the Ju. and sometimes upon examination and prooffe of witnesses, In all which cases the said Iustices of peace may convent the said offenders before them (by their proccesse or warrant) and after such examination and conviction they may Imprison or otherwise punish the offenders according as they are limited by the said statutes.

75. Wheresoever the Ju. of peace hath power or authority given him by any statute to bind over any man or to cause a man to doe any thing, if such person (being in his presence) shall refuse to be bound, or to doe such thing, such Iustice may send such person to the Gaole, there to remaine, till he shall performe the same.

76. All men being required ought to assist the K. officers, to pursue and arrest Traitors, Felons, and all other offenders against the peace.

77. If the party against whom any lawfull warrant is granted shall make resistance, or shall make an assault upon the officer, the officer may justifie the beating and hurting of him, and may also imprison him in the Stocks for the same. But if the party resisteth or flyeth before he be arrested, the officer cannot justifie the beating of him. 2.Ed.4.7.4. *Br. Trespass. 296.*

78. None shalbe imprisoned by any Ju. of peace, but only in the Common gaole, by the statute of 5.H.4. And therefore Iustices of peace cannot commit felons to any prisons which be no common gaoles,

Resist.
2.E.4.6.
21.H.7.39.

Imprisonment
the place.
5.H.4.10.
Prison.1.

gaoles, nor make a gaole of their owne houses. And yet Iustices of peace may commit to the stocks some offenders against certaine penall statutes.

79. The Constable or other such officer cannot imprison any man in his house (as it seemeth) but in the Stocks, and that not above such a reasonable time, as he may provide conveniently and safely to convey the prisoner to the Iust. of peace or to the gaole. 19. Ed. 4. 6.
22. Ed. 4. 35.
3. H. 4. 9.

80. If a man commit felony or Treason in one County, and be arrested for the same in another County, although he cannot be tryed nor indicted in the County where he was apprehended, yet he shalbe there imprisoned untill by the Iustices of Assise or the Iustices of the Kings Bench, he shalbe sent to the gaole of the County where the fact was committed.

81. The Constable or other officer pursuing a felon into another County takes him there, the felon shall be brought before a Iustice of peace of that County, and by him committed to the gaole of the County, where he is taken. For the officer being out of his County hath no more authority there, than a private man. 13. E. 4. 8.

82. Also if the Constable, or other officer, shall see an Affray and he comming to arrest them, the Affrayors doe flie into another County, the officer (as every other private person) may pursue them into the other County and may stay or arrest them there, but the officer cannot bring them out of that County, but must carry the Affrayors before some Iu. of peace of the same County where they were taken &c. But if the Affray be in one Towne, and the Affrayors doe flie into a franchise or liberty within the same County, the officer may pursue them, and take them out of the Franchise by fresh suite.

83. But if the Constable hath arrested one upon a warrant from a Iustice of peace, and after the arrest, the party escapeth (of his owne wrong) and flieth into another County the Constable may pursue and take him in the other County by fresh suite, and bring him before the Iu. of peace, upon whose warrant he was first arrested. See 2. E. 4. 61
Br. Tref. 296.

84. If a prisoner that is taken in execution shall make an escape of his owne wrong, and shall flie out of sight, and into another County where the Sheriffe hath no power, yet the Sheriffe, &c. upon fresh suite may take him againe in any other County, and he shalbe still said to be in execution yea without fresh suite the Sheriffe &c. may take him againe and keepe him, untill he hath agreed with him, otherwise if the escape were by the consent of the Sheriffe &c. *Co. 3. 58. Br. escape. 4. 12.*

85. And if a man be arrested for Treason or felony, and the Constable shall carry him to the Gaole and the Gaoler will not receive him, the Constable must bring him back to the Town where he was taken, And that Towne shall be charged with the keeping of him, untill the next gaole delivery, by the opinion of the booke *10. H. 4.* Or the Constable or other party, that arrested him, may in such case keepe the

P. Prison. 6.
4. E. 3. ca. 10.
the prisoner in his owne house, as it seemeth. See. 11. Ed. 4. Br. Faux. Imprif. 25. But the usuall and best course is to bring him before a Iustice of peace and to have his *mittimus*, and then the Gaoler may not refuse him. But the Gaoler denying to receive a felon by the delivery of any Constable or Towneship, or taking any thing, for receiving such, shalbe punished for the same by the Iustices of gaole delivery.

The time.
Co. 8. 119.
Flo. 17. b.
When a statute doth appoint imprisonment, but limits no time when the offender shalbe imprisoned, then he is to be imprisoned presently, as in case of a force the Iu. of P. upon view thereof ought to commit the offenders presently.

86. Also when a statute doth appoint imprisonment, but limits no time how long, there the prisoner must remaine at the discretion of the Court.

87. Where a statute doth ordaine that an offendour shalbe imprisoned at the K. pleasure, or that a prisoner shall not be delivered without the Kings speciall commandement, and that upon a Fine to be made to the King, the Iustices before whom the record is, may assesse the same Fine and deliver him. 18. H. 8. 1. & Fitz. Na. Br. fol. 190. f.

The manner.
Co. 8. 100.
& 9. 87.
88. Now for the manner of imprisonment generally in all cases where a man is committed to prison, be it for Treason, felony, or upon an execution, or but for a Trespasse or other offence, every Gaoler ought to keepe such his prisoner, *In salva & arcta Custodia*; *Salva. sc.* that he ought to be imprisoned so surely as that he cannot escape; *Arcta*, in respect that he ought to be kept close without conference with others, or intelligence of things abroad.

And therefore if the Gaoler shall license his prisoner to goe abroad for a time and then to come againe, Or to goe abroad with a keeper, though he come againe, yet these are escapes, And if the prisoner were in for Treason or felony, this is fineable in the Gaoler at the least, if it be not felony or Treason, And if the prisoner were in upon an execution, this is so penall to the officer, as that he shalbe charged for the debt, And if the prisoner were in but for a Trespasse, yet the officer is fineable, for imprisonment was ordained for a punishment of offenders, and in terrour of all others, *Vt pena ad paucos metus ad omnes perveniat*. Also by the Law, those which are in execution ought not to goe at liberty within the prison, nor abroad with their keeper. 24. H. 8. much lesse in cases of felony or of higher offences.

Co. ib.
P. Accomptans.
1.
Fitz. 93. h.
89. Also by the statute of Westminster. 2. ca. 11. Accomptants and such as are in execution, the Sheriffe, or gaoler may put Irons or fetters upon them, And yet if the Gaoler shall imprison a man so straitly, by putting him in the Stocks, or putting more Irons upon him then is needful, or keepeth his victuall from him, wherby the prisoner becommeth decrepit, lamed or otherwise diseased, he shall have an Action of the case against the Gaoler, Also the Constable or other

other such officer that shall imprison in the Stocks any offender for felony or suspicion thereof, may locke the stocks, and if need be may also put Irons upon him as it seemeth. And when he convayeth him to the gaole, or to the Iustice, he may pinyon him or otherwise make him sure so that he cannot escape.

90. It seemeth by *Britton fol. 17.* that by the common Law (before the statute of *Westm. 2.*) None should have Irons put on them, but such offenders as were taken for felony or trepassers in parkes, But the words of the statute of *Westm. 2. ca. 11.* are generall, *quod carceri manucipientur in ferris*, which word *carceri* seemeth to signifie any persons imprisoned for any cause (or any persons worthy of the prison) and is not to be restrained to Accomptants only, See *Coke 3. 44.*

91. Where the Iu. of peace, Sheriffe, or other Officer, is enabled to take the power of the County, it seemeth they may command and ought to have the aide and attendance of all Knights, Gentlemen, Yeomen, Husbandmen, Labourers, Tradesmen, Servants and apprentices, and of all other such persons, being above the age of 15. yeares, and that are able to travell.

Posse Comitatus.

92. But woemen, Ecclesiasticall persons, and such as be decrepit or diseased of any continuall infirmity shall not be compelled to attend them.

93. And in such cases, it is referred to the discretion of the Iustices of peace (or Sheriffe &c.) what number they will have to attend upon them, and how and after what manner they shalbe armed, weaponed, or otherwise furnished. But it is not justifiable for the Iu. of Peace, Sheriffe, or other officer to assemble *Posse Comitatus* or raise a power or assembly of people (upon their owne heads) without just cause, and therefore it is to be considered upon what occasion a Iustice of peace or other officer may to his assistance take *posse Comitatus*.

94. Any Iustice of peace or Sheriffe may take of that County where he is a Iustice, or Sheriffe, any number that they shall thinke meet, to pursue, apprehend, arrest and imprison Traytors, Murderers, Robbers and other felons or such as doe breake or goe about to breake or disturbe the Kings peace in any outrageous manner, and every man being required, ought to assist and aide them.

95. The Iust. of P. and the Sheriffe or undersheriffe, may take *Posse comitatus*, for the suppressing of Riots, and all sorts of persons (being able and required) ought to assist them therein.

96. Yea any one Iustice of peace may take the power and aide of the County to suppress Riotters and needs not to tarry for the comming of another Iust. or of the Sheriffe.

97. Also in cases of forceible entry, any Iustices of peace may take *Posse comitatus*, to remove such persons as by his view, or by Inquisition taken before him, shalbe found to have made any

forceible entry (into other mens possessions) or to detaine them with force.

3.H.7.1.10.
Co.5.115.
Br.Fine.4.17.

Br.Riots.2.3.

9.H.7.1.
Br.Trespasse
266

98. The Sheriffe or undersheriffe, or Bailiffe &c. if need be, may by the common Law take the power of the County (what number they shall thinke good) to execute the K. proceffe or writ, be it a writ of execution, *Replevin*, *Estreperment*, *Capias*, or other writ, it being the Kings commandement, See the stat. *Westminst.* 1. 17. *Westminst.* 2. 39. And such as shall not assist them therein being required shall pay a Fine to the King. The Sheriffes Bailiffe, to execute a *Replevin*, tooke with him three hundred men armed (*modo guerino*) sc. with Brigandines, Iacks, and Guns, and it was holden lawfull, for the Sheriffes officer hath power to take assistance, as well as the Sheriffe himselfe, for that all is one office, and one Authority.

99. A man demands the P. in Chancery against a great Lord, and hath a *Supplicavit* directed to the Sheriffe, there if need shall be, the Sheriffe may take his *Posse comitatus* to aide him to arrest such a Lord. So it seemeth if a *Supplicavit* bee directed to a Iustice of peace, the Iustice of peace, or the officer to whom the Iustice of peace shall make his warrant in this behalfe (upon resistance made) may, if neede be, take *Posse Comitatus* to aide him to arrest the party: *Quia quando aliquid mandatur, mandatur & omne per quod pervenitur ad illud*, Co. 5. 115.

100. But besides this, every Sheriffe is enabled by his writ of assistance, whereby there is commandement under the great seale to all Archbishops, Dukes, Earles, Barons, and all other the Kings subjects within the same County to be aiding to him in whatsoever belongeth to his office, &c.

3.H.7.10.
13.H.7.19.
Br.Trespasse
432.

101. The Sheriffe, if need require it, or the Constable may take *Posse Comitatus* to execute the precept of a Iustice of peace. The Constable of a Towne upon a felony committed, or upon any Affray, or the like, may take the aide of his neighbours, or other persons being present to apprehend the Felons, or to cause the peace to be kept, and to carry the offenders before the Ju. of peace, and if any refuse to aide the Constable in this case, he is to be punished in the Sessions of the peace by Fyne and imprisonment.

31.Ed.3.4.

102. One hath hurt another, whereby he is in perill of death, the Constable may take power or aide to arrest him, &c.

103. Every man may assemble his friends and neighbours to defend his person, &c. being in his house, against violence, &c. but not to goe abroad with him in a Faire or market.

Adrices to the
Iustices of
peace.

104. I thought it not amisse here shortly to admonish the Iustices of peace of some few things, for their better memory.

1. First, that they exercise not the office of a Iustice of peace, before they have taken the oath of their office, and the oath of Supremacy.

2. That they execute not this their office in their owne case, but

to cause the offendour to bee convented before some other Iustice, *quia iniquum est aliquem sui rei esse judicem*, Co. 8. 18. And some late statutes have taken speciall care to prevent this, as you may see by the statute of 10. *Caroli*, ca. 23. *in hibernia*. And yet if the Iustice shall deale in his owne case, it seemeth good and justifiable in divers cases, as when a Ju. of peace shall be assaulted, or (in the doing of his office especially) shall be abused to his face, and no other Iustice of peace present with him, then he may commit such an offender, untill he shall finde sureties for the peace or good behaviour, (as the case shall require) and the said Iustice in such case may himselfe binde the offender, and take his suretie; but if any other Iustice of peace shall be present, it were better to desire his aide.

3. That they be carefull for the execution of the statute of Riots, and if upon their enquiry of a Riot, the truth cannot bee found by reason of any maintenance, &c. that they certifie the same within one moneth to the Lord Deputy and Counsell, according to the statute of 13. *H. 4. ca. 7.*

4. That upon a forceible Entry they make no restitution without Enquiry.

5. That they be circumspect in bayling of prisoners: *viz.* that they neither deny it to such as are baileable, nor yeeld it, where it is not grantable.

6. That all Recognisances taken by them, bee certified at their next quarter Sessions, or Gaole delivery: according as the case shall require.

7. Also that they doe Iustice, and give remedy to every party grieved, in any thing that lyeth within their power, to heare, determine, or execute, and that without respect of persons, and according to the lawes and statutes of this Realme.

8. Note that all these former matters are penall to the Iustices of peace, if they shall offend in any of them, and therefore it is likely they will be the more carefull therein. But there are certaine other things principally tending to the publique good, and fit to be commended to the care of the Iustices of peace, in all which the Iustices of peace are to imploy also their speciall care and diligence, and they are shortly these following:

1. The abuses, disorders in Ale-houses and Innes to bee reformed.

2. High wayes and Bridges to be amended.

3. Huy and Cry, and fresh suit, to be duly made and pursued, after Rebels, Robbers, and other Felons and Traytors.

4. Labourers, (*sc.* idle persons meet to serve) to be compelled to goe to service, also negligent Recusants, which shall not resort every Sunday to Church, that such bee punished according to the statute, for the first meanes to bring men to God is to bring them to Church.

4. Rogues and Vagabonds to be duely punished.
5. Houses of correction to be mainetained.
6. Watch to be duly kept.
7. Weights and measures, the abuses therein to be reformed.
8. Further the Ju. of P. are to be carefull that they suffer not the King to be disadvantaged where it lyeth lawfully in their power to prevent.

9. Also that they remember, how that they exercise not the judgements of men only but of God himselfe (whose power they doe participate, and who is alwayes present with them) and therefore must take heed, that in all their actions they set God continually before their Eyes.

10. But forasmuch as most of the businesse of the Ju. of P. out of Sessions consisteth in the execution of diverse statutes committed to their charge, which statutes cannot be so sufficiently abridged, but that they will come short of the substance and body thereof, therefore it shalbe safest for the Ju. of Peace, not to relie overmuch upon these short collections thereof, but to have an Eye to the Abridgement of those Statutes or rather to the booke of Statutes at large, and therby to take their further and better directions for their whole proceedings. For (as *Sir Edw. Coke* observeth) Abridgements are of good and necessary use to serve as Tables, but not to ground any opinion (much lesse to proceed judicially) upon them, *Idem*, saith he, *satis est petere fontes, quam sectari Rivulos*; *Coke. 10. 117. b.*

11. And lastly for the better encouragement of Ju. of P. Constables and other officers who (by causelesse suits commenced by contentious persons against them for executing their offices) have lately been discouraged from doing their offices (with that courage, care & diligence which is required at their hands) Now for their ease in pleading they are by the statute of 10. *Caroli* in Ireland allowed to plead the generall issue of Not guilty, and to give the speciall matter in Evidence, and for their wrongfull vexation double Costs.

Barretor. CHAP. 4.

2. E. 4. 30.

1. **E**Very Iustice of peace (upon his discretion) may bind to the peace or good behaviour, such as are common Barretors.

Co. 2. 6.

2. Now a common Barretor is he, who is either a common mover or stirrer up (or maintainer) of suits in Law in any Court, or else of quarrels in the Countrie.

In Courts,

3. As if in any Court of Record, County Court, hundred, or other inferior Courts, any person by fraud and malice under colour of Law, shall themselves maintaine (or stirre up others unto) multiplicitie of unjust and fained suites or informations (upon penall lawes) or shall maliciously purchase speciall *Supplicavit* of the peace,

to force others to yeeld him composition, all such are Barretors.

4. In the Countrie, and these are of three sorts.

1. Disturbers of the peace, viz. such as are either common quarrellers, or fighters in their owne cause, or common movers, or maintainers of quarrels and Affrayes betweene others. In the Country.

2. Common takers, or detainers by force or subtiltie, of the possession of houses, lands or goods which beene in question.

3. Inventers or sowers of false reports, whereby discord ariseth Co. 3. 361. betweene neighbours, all these are Barretors.

5. But all such persons must be common Barretors, *sc.* not in one Co. 3. 37. or two, but in many causes.

Bailement and Mainprise. CHAP. 5.

1. **B**ailement, Mainprise, or Replevin, is the saving or delivery of a man, out of prison, before that he hath satisfied the Law *sc.* by finding sureties to answer, and be justified by the Law. And to this purpose these three termes (Bailement, Mainprise, and Replevin) be indifferently used in our statutes and bookes.

2. He that is bayled, is taken or kept out of prison and delivered Stamf. 65. (as it were) into the hands of his sureties, who are reputed his guardians, and who may keepe him with them, and may imprison him by F. Manip. 12. some opinions, *See 22. H. 6. Br. Surety 8. & Mainp. 39.*

3. By the common law the Sheriffe, and every Constable (being conservators of the peace) might have bailed a suspect of felony, but this authoritie is taken from them, and given to the Iustices of peace by these statutes following:

4. First by the statute, *1. R. 3. cap. 3.* every Iustice of peace had authority (by his discretion) to let to bayle persons imprisoned for suspicion of felony. But forasmuch as after the making of that statute, diverse not being baileable, were notwithstanding let to Bayle, and Two Iustices. so many notable felons escaped, therefore this statute was repealed by the statute of *3. H. 7.* And thereby any two Iustices of peace 3. H. 7. cap. 38
Fitz. Na. Br.
251. f. (the one being of the *Quorum*) were enabled to let any prisoners (mainpernable by the Law) to baile to the next generall Sessions of the peace or gaole delivery, as the case should require. After, for that one Iustice of peace in the name of himselfe, and of one other of his fellow Iustices (not making the other Iustice privie unto the cause, wherefore the prisoner should be bailed) did oftentimes by sinister meanes set at large great and notable offenders, such as were not baileable, and yet to hide their affection therein, did signifie the cause of their apprehension to be but onely for a suspicion of felony, whereby the said offenders have escaped unpunished, for reformation whereof by the statute *10. Carol. cap. 18.* in Ireland it was enacted, that if it be for Manslaughter, or felony, or suspicion of manslaughter

slaughter or felony, in which cases the party is baileable, then the same Iustices must be present together at the time of the said bailement, and that they must certifie (in writing subscribed with their owne hands) the said Bailement at the next generall gaole delivery to be holden within the County where the person shall be arrested, or suspected (upon paine to be fined by the Iustices of gaole delivery.) Now by the preamble of both last recited statutes, the mischief seemeth to bee the escape of felons, and therefore if it be not in case of felony, it seemeth any one Iustice of peace alone, may baile a prisoner, except where some particular statute shall otherwise prescribe.

Cromp. 157.

5. If the Mainpernors, or sureties, doe at any time, or in any case doubt that their prisoner, or the party by them bailed, will flie, they may take him and bring him before any Iustice of peace, and upon their prayer the said Iu. of P. may discharge such sureties and commit the party to prison, except he shall finde new sureties such as the Iustices shall conceive to be sufficient; So if a prisoner be bailed by insufficient persons, the Iu. of P. (*ex officio*) may cause him to finde better sureties, and may commit him till he shall so doe, for the statute of *Westm. 1. ca. 15.* requireth that such as be bailed, be let out by sufficient sureties. And although the number of such sureties, their sufficiency, and the summe wherein they shalbe bound, resteth in some sort, in the discretion of the Iu. yet it is safe for them to take two sureties, at the least, and those to be men of good ability, especially if the prisoner be in for felony or suspicion thereof; For if the Iustices let out a prisoner upon insufficient sureties that is committed for suspicion of felony, and appeareth not, they shalbe fined by the Iustices of Assise and gaole delivery.

Stamf. 77.
21. H. 7. 20.

6. Now Bailement, by the Iustices of peace (in case of felony or for any other matter) is alwaies upon a certaine summe of mony (as upon 40^l &c.) the which summe the sureties, &c. shall forfeit to the K. if the prisoner appeare not at his day, And in this businesse of bailement (being a matter of much weight) It behooveth the Iustices of peace to be very circumspect as well for feare of wrong, by denying it to him, that is baileable, as also for feare of danger to the service it selfe, by yeelding it where it is not grantable, and for feare of danger to themselves in both cases. For whosoever doth detaine prisoners who are baileable after they have offred sufficient sureties, shalbe grievously amerced to the K. and he that doth take any reward for the deliverance of such, shalbe amerced to the K. and pay double to the prisoner.

3. E. 1. 15.

See 23. H. 6. ca.
10.

7. So on the other side, if one who by the Law, is not baileable, shalbe let to mainprise, this shalbe adjudged a negligent escape in him or them that doe let him to mainprise, and for such an escape or offence they shalbe fined and punished as followeth, *videlicet*: If the Sheriffe, Constable or any Bailiffe of Fee, who hath the keeping of prisoners

27. E. 3. f. 19.

10. H. 7. 27.

prisoners shall baile any person which is not baileable, and be there-
of attainted, they shall loose their Fee and office for ever, and if the
undersheriffe, Constable or Bailiffe of such as have Fee for keeping
of prisoners, doe it contrary to their masters will, or any other
Bailiffe being not of Fee, they shall have three yeares imprisonment
and make Fine at the Kings pleasure.

8. Note that the Sheriffes and other officers which doe let to
baile any persons forbidden (by the statute, 3. Ed. 1. cap. 15.) to be
bayled shall be punished by the Iustices of gaole delivery, according
to the forme of the same statute, or else by the said Iustices they may
be put to their fine, as for an escape, punishable at the common Law.
25. Ed. 3. 39.

9. If any Iustices of peace doe let to baile or mainprise any per-
son who for any offence by him committed is declared not to be
baileable, or forbidden to be bailed by the aforesaid statute of 3.
Edw. 1. the said Iustices of peace so offending shall pay such fines, as
shalbe assessed by the Iustices of gaole delivery where the offence
shalbe committed, Fitz. 257. 1.

By the Iustices
10. Caroli ca.
18.
P. Iust. 108.
P. Mainp. 4.

10. Now to shew further the authority of the Ju. of P. in this
behalf; No person arrested for Manslaughter, or felony, or suspicion
thereof (being baileable by the Law) shall be let to baile or main-
prise by any Ju. of P. but in open Sessions, or by two Ju. of P. at the
least, whereof one to be of the *Quorum*, and the same Iustices to be
present together, at the time of the said bailement. And this baile-
ment the said Iustices shall certifie in writing subscribed with their
hands at the next generall gaole delivery &c. and in default thereof
to be fined by the Iustices of gaole delivery, Also before the baile-
ment of such prisoner the same Iustices or one of them shall take the
examination of the prisoner, and information of them that bring him,
of the fact and circumstances thereof, and so much thereof as shall
be materiall to prove the felony, shall put in writing before they
make the bailement, which examination, information, and bailement,
they shall certifie at the next generall gaole delivery upon the pe-
nalty to be fined (as aforesaid) at the discretion of the Iustices.

10. Caroli ca. 18.
in Ireland.
The manner.
3. H. 7. ca. 3.
10. Caroli ca. 18.
in Ireland.

11. But if any Ju. of P. hath taken the examination of a felon, and
information against him, and after hath sent him to the gaole, now
upon bailement of him by other Iustices they need not to take any
new examination of the prisoner, or information against him, but
under their Recog. (or together therewith) to certifie by what Ju.
of P. the felon was committed, to the end that at his hands those
examinations and Informations may be required, if he have not cer-
tified them, neverthelesse it is not amisse if they take new examina-
tions, and informations, for if the prisoner or accusers vary in their
examinations, good use may be made thereof for the discovery of
the truth.

12. Also the Iustice of peace which shall send any prisoner to the
gaole,

Mittimus, the
forme.

gaole, ought to shew in their *Mittimus* the cause of the commitment to the end it may appeare whether such prisoner be baileable or no. And if the Iustices of P. shall commit one to the gaole with these words in the *Mittimus*, *sc.* without baile or mainprise shewing a certaine cause in their *Mittimus*, yet if such a prisoner be baileable by Law, other Iustices of peace may baile him, but if the prisoner were committed without bayle or mainprise, and without shewing cause in the *Mittimus*, then other Iustices of peace cannot, or at least shall not doe well to baile him without making the other Iustice which committed him privy thereto, for he might be committed for such cause, as that he is not baileable (as for Treason &c.)

14. H. 7. 10. a.

13. Note where a man is baileable yet when he commeth before the Iustice he must offer surety to the Iustices, otherwise they may commit him to prison.

Persons not
baileable.

Stamf. 71.

Pr. Mainp. 11.

47. 57. 60. 63.

78.

F. Coro. 361.

10. Carol. ca. 18.

in Ireland.

14. Next it followeth that I shew what persons be baileable and what not, It appeareth by the statute of *West. 1. ca. 15.* but in these foure cases following a man was not baileable at the Common Law. *Br. Mainp. 47. F. N. B. 66. E.* First no person taken for the death of a man *sc.* for murder, or any other homicide was baileable by the common Law. And yet the Iustices of the Kings Bench did use to baile them yea although it be for Murder. *Br. Mainp. 60. 63. 78. 47.*

15. Also the statute of 10. *Caroli* in Ireland seemeth to admit that for manslaughter and all other homicide (except murder only) the slayer may be bailed by the Iustices of peace, which also is the common practise at this day, but let the Iustices of peace be sparing and well advised herein *viz.* that the offence be but manslaughter and not murder.

16. Also it seemeth the Iustices of peace cannot baile him that hath committed manslaughter, if either he hath confessed the offence upon his examination, Or that he be taken with the manner, Or that it be apparantly knowne that he killed the other, for then it is more then suspicion, but he that hath dangerously hurt another may goe under baile.

Stamf. 73.

cc 2 Just 187.

17. Likewise no person taken by the Kings commandement was baileable by the common Law, but this must be intended of the Kings commadement by his owne mouth or by his privy counsell which are incorporate to him, *See Stamf. 72. & Br. Mainp. 37. 47.* neither was any person taken by the commandement of the Kings Iustices baileable by the common Law, but this must be intended of their absolute commandement as if the Iustice commands one to prison without shewing cause why he doth so command, or for misdemeanour done in his presence, or for some other cause which lyeth in the discretion of the Iustices more then in his ordinary power.

P. Iust. 107.

18. But now forthat by the statute 19. *Caroli. ca. 18.* It is provided that no Iust. or Iustices of P. shall let to baile any person contrary to the aforesaid statute of *Westm. 1.* (made 3. *Ed. 1.*) *ca. 15.* And so the said

saide statute of *Westm. 1.* is now as a line whereby the Iustices of peace are to guide themselves in cases of Bailement, I will shew here what persons are baileable by that statute of *Westm. 1.* and what not.

19. By the statute of *Westm. 1.* no prisoner, shall be let to baile, which is taken in any of these twelve cases following: 3. Ed. 1. 15.
P. Mainp. 1.
F. N. B. 66. c.

1. First, such as have abjured the Realme shall not be bailed.

2. Nor any approver or appellor (for that he confesseth) the felony and himselfe guilty, before he can burthen or accuse another, as coadjutor or helper with him in doing the same. Stamf. 144. b.

3. Nor he which is appealed by an approver, so long as the approver doth live, except he be of good name; or that the Approver doth waive his appeale. Fitz. 250. D.
Br. Mainp. 97. See *Stamf. 74.*

4. Nor he which is taken for burning of a house, &c. feloniously.

5. Nor any excommunicate person taken (at the Bishops request) (sc upon his certificate) by the writ of *Excom. capiend.* F. N. B. 66.

6. Nor any felon taken with the manner; or taken for a manifest offence.

7. Nor a Theefe openly defamed and knowne.

8. Nor he which is outlawed, and yet in some cases such as be outlawed, may be bailed by the Court, &c. See *Stamf. 74.*

9. Nor he which hath broken the Kings prison.

10. Nor he which is taken for Treason.

11. Nor he which is taken for falsifying the Kings mony.

12. Nor he which counterfeiterh the Kings scale, Br. Mainp. 59.

20. But by the same statute of *West. 1.* such persons are baileable, which be taken in any of these cases following: Persons baileable.
West. 1. 15.
P. Mainp. 2.
Persons suspected.
Stamf. 74. c.

1. First, he that is taken (or indicted) for light suspicion of felony, is baileable; F. N. Br. 249. g. 250. c. 251. f.

2. He that is taken upon suspicion of burglary, robbery, or theft, if he be not of evill fame, nor that there be any strong presumption against him, it seemeth he is baileable.

3. A man had stolne certaine hoggs, and (for that he was of evill fame) he was committed without baile, yet if he could have brought prooffe or witnesse that he bought them, hee should have beene bailed. 16. E. 4. 5.
Br. Mainp. 75.

4. A man is arrested for suspicion of Felony, and brought before the Iustice, if it shall appeare there is no such felony committed, the party may be set at liberty without baile; but if there be a felony committed, and any probability that the prisoner is guilty, although in truth he be not guilty, yet the Iustice must either commit him, or baile him. Cromp. 25.

5. He that is taken (or indicted) for pety Larceny that amounteth not above the value of xij^d, if he were not guilty of some Larceny before, he is baileable. Pety Larceny.
B. Mainp. 2.
Fitz. 130. E.

6. Such as be indicted of Larceny (generally) shall be set at liberty upon sufficient surety. Persons indicted.
P. Mainp. 2.

Stamf. 74.
Fitz. 1. 9. &
250. Br.
Mainp. 97.

21. And yet they shall not be bailed, if they be not also of good fame, but if they be of good fame they may be bayled (although they be indicted) by the Iustices that have authority to heare and determine felony, yet the Iustices of peace out of their Sessions may not safely baile such persons, for being indicted they are then more then vehemently suspected.

22. One that was indicted before the Coroner, that he had killed another *Se defendendo*, was by the Iustices of gaole delivery bailed till the next Assises to purchase his pardon, 26. *Eliz. Crompt. 153.*

Fitz. Na. Br.
fo. 249. g.

23. One that was indicted in the Sheriffes Turne for stealing of a horse may be bailed by the Sheriffe (if he be of good fame) as appeareth by the writ *de manucaptione* F. N. B. 249. g. Also one that was indicted of Burglary, as principall pleaded not guilty and was after bailed 29. *lib. Aff. Fitz. Mainp. 9.* Another that was indicted of Robbery was bailed 41. *lib. Aff. 30. Br. Mainp. 61.* but these were bailed by the Court and not by a Iustice of peace in the Country.

Persons attaint
or convict.
Stamf. 74. D.
F. Cor. 297. 354.

25. E. 3. 42.

24. But such as are attainted or convicted of felony are not baileable, for although it doth not appeare by any words of the said statute of *Westm. 1.* that it doth prohibit the bailement of such as be convicted by verdict, yet it is to be intended that the statute doth aswell prohibite the bailement of those convicted and attainted by verdict, as it doth of them who be attainted by Outlarie, And therefore if a prisoner after he hath pleaded not guilty be convicted by verdict that he killed a man *Se defendendo*, or by misfortune, yet he shall not be bailed by the opinion of some bookes. Neverthelesse the Iustices of Assise use to baile the prisoners that are found guilty *Se defendendo* or *per infortunium* taking security, by recognizance that the prisoner at the next Assises shall appeare and produce his pardon of grace, And this I conceive to be legall enough for avoyding of charge and circuite, for if the prisoner procure a certificate of the verdict into the Chancery, it appeareth by *Stamford. fo. 74.* that a writ shall issue to the Sheriffe to baile him.

Dyer. 179.
See Br.
Mainp. 94.

25. And if a man that is arraigned of homicide doth plead not guilty, and is found guilty and doth pray his Clergie, and is reprived without judgement, he is not baileable, for being convicted of the felony, he is more now then vehemently suspected, and the intendment of Law in cases of Bailement is, that it resteth indifferent whether he be guilty or not untill Tryall, &c.

26. The same reason seemeth to hold if a man be indicted of homicide (before the Coroner) yet See 22. *Aff. p. 94. Br. Cor. 90.* that such are baileable as are indicted before the Coroner but of Manslaughter, and so is the common practise at this day.

27. Also a man convicted of felony remaineth in prison, and after obtaineth the K. pardon, the Iust. of gaole delivery may baile him till the next gaole delivery, that he may then come with his pardon and plead it 2. *E. 6. Br. Manip. 94.*

28. Those

Just. 188

28. Those that be charged as accessaries in felony be baileable and it seemeth that accessaries to felonies are within the Equity of this statute, and are baileable (if they be of good fame) untill the principall be convict or attaint, but after the principall is attainted the accessary shall not be bailed but kept in prison, and yet if (after the attainer of the principall) the accessary shall plead not guilty or other plea, it seemeth he shall be bailed, *See more in Br. Mainp. 6. p. 22. 54. 64. & 97.*

Stamf. 1.

Stamf. 71. c.

Fitz. 150. c.

Br. Main. 11. 58.

40 E 3. f. 28.

Stamf. 71. c.

Br. Main. 58.

29. If a man be accessary to two, and the one principall is attainted, though the other be not, yet the accessary shall not be bailed.

Stamf. 71.

F. Cor. 200.

30. In felony if the principall dye in prison; or be attainted of another felony the accessary shall be bailed, *F. Cor. 378. Br. Mainp. 91.*

31. Also the said statute of *Westm. 1. cap. 15.* doth no more restraine the principals (to be bailed) then the accessaries in those cases where the same statute doth not prohibite to let to Mainprise; and therefore if a man be indicted of Burglary as principall, yet he may be bailed, *Stamf. 74.* Also the principall in appeale of Robbery may be bailed, And so may he be bailed upon an Indictment of Robbery. *Br. 61. 75. & 97.* But the principall for murder is not baileable either by the common Law, or by the stat. of *Westminst. 1.* by the Iustices of peace or by the Sheriffe, but the Iustices of the Kings Bench doe use to baile them for they are not restrained neither by the common Law nor by the said statute, howbeit I doe advise the Iustices of peace to be sparing in the bailement either of Burglars, Robbers or other notorious felons, and to take very good sureties for such as they shall baile.

Stamf. 74.

Br. Main. 53.

F. Mainp. 9.

Stamf. 74.

Stamf. 71.

Br. 56. 58. 97.

Trespasse

West. 1. 15.

P. Mainp. 2.

32. Those that be charged with (or guilty of) any Trespasse that toucheth not losse of life, nor member, be baileable by the statute of *Westm. 1. 15.* before they be convicted. But yet let the Iustice of peace have a Care that baile be not prohibited by any other latter statute (in such cases of Trespasse.)

33. If any person be committed to prison, by proces from the Sessions made upon an Indictment upon any penall statute (not prohibiting baile) he may be bailed (out of the Sessions) by two Iustices of peace the one being of the *Quorum*. Or he may have a writ out of the Chancery directed to the Iustices of peace, or to the Sheriffe to take surety of him for his apparance, before the Iustices at their Sessions, Or he may have a *Cerciorari* to remove the record into the Kings Bench, and a *habeas corpus* to remove the body thither also. *Fitz. 250. g. h. i. & 251. c.*

Fitz. 250. g.

Br. 97.

34. If proces from the Sessions shall goe forth upon any indictment of Trespasse, &c. any one Iustice of peace may take bayle of the party to appeare at the day, &c. to answer to the indictment, and the same Iu. may thereupon make his *Super sedes*, for otherwise besides the mischief of imprisonment, the party may be outlawed before the Sessions: Note that the Iustices of peace are not to baile

Crompt. 197.

134.

Crompt. 152.

any prisoner, except the prisoner be committed for such cause whereof the said Iustices of peace may neither enquire, heare, nor determine; and therefore if a man bee taken upon proces of rebellion, issuing out of the Chancery or Star-chamber, or such like, the Iustices of peace are not to baile him. And Master *Crompton* reporteth of two Iustices of peace, who were fined for bailing one, in such a case.

35. Also if a man be arrested by force of any proces, writ, bill, or warrant, in any action personall, the Iustices of peace are not to baile him.

36. Persons condemned in any of the Kings Courts, and by vertue thereof committed to prison. And persons being in execution upon any statute or recognisance, &c. at the suit of any person the Iustices of P. are not to baile any such.

Execution.
P. Mainp. 2.
Fitz. 250. d.

37. He that is appealed by an approver, being no common thiefe, nor defamed, after the death of the Approver, is baileable by the statute of *West. 1.*

Stamf. 144. 2.

38. Note that a man cannot become an Approver, before a Iustice of peace; neverthelesse it seemeth both reasonable and serviceable, that if a felon will become an Approver, that is, will confesse his felony, and also accuse others (that were coadjutors with him in doing the same felony, or in other felonies,) before a Iustice of peace, that such Iustice may take his confession, and commit him to the gaole, and may also grant out his warrant for the apprehending of the others, that are so accused.

39. Againe, the statute of 23. *H. 6. c. 10.* taketh away baile from all such as be in prison by condemnation, execution, *Capias utlagatum*, excommunication, surety for the peace, or by the speciall commandement of any Iustice prohibiting that such be not bailed, either by the Sheriffe, or other officer or minister.

40. There be divers other statutes which doe take away baile from the offendours thereof, and that not onely upon their solemne conviction after publick hearing, triall, and judgement, but also upon the record of one or two Iustices of peace, or by private examination, and confession of the offendour, or prooffe of witnesses, or such other private tryall, had before the Iustices of peace out of their Sessions, most of which I have here set downe, whereof the Iustices of the peace (as I said before) are to be carefull.

Where Baile is
taken away.
15. E. 1. c. 11.

1. No person being imprisoned or taken for any of the offences, or causes here-under mentioned, shall be bailed or let to Mainprise, otherwise then as hereafter followeth, *sc.* Accomptants found in arrearages before Auditors shall be imprisoned, without baile untill they have satisfied their Master all arrearages.

2. Appellors, or approvers, shall not be bailed. *West. 1. cap. 15.* Nor he which is appealed by an Approver. *Ibid.*

3. Persons going or riding armed contrary to the statute of Northampton,

hampton, and being thereof convicted, shall bee imprisoned untill they have paid such Fyne as shall be therefore imposed upon them.

4. Breakers of prison are not baileable. *Westm. 1. 15.*

5. Surveyors and Collectors, appointed for the repairing of Bridges, if they refuse to accompt of the money by them received, they shall be imprisoned untill they have truely accompted. *10. Caroli. ca. 20. in Ireland.*

6. Burners of houses, or Ricks of Corne in Towne or fields, are not baileable, for these offences in Ireland are Treason. *13. H. 8. ca. 1. in Ireland.*

7. Constables neglecting to whip Trespassers in Corne, woods, or Orchards at the commandement of a Iustice of peace shall be imprisoned untill they have caused the offendour to be whipped. *10. Caroli ca. 23.*

8. Persons condemned in any of the Kings Courts, and by vertue thereof committed to prison, they shall not be bailed, untill they have agreed with the plaintiffe. *1. R. 2. c. 12. 2. H. 5. c. 2. Fitz. N. B. 121. A.* *See 23. H. 6. cap. 10.*

9. Conjurers and Witches shall not be bailed.

10. Counterfeiters of the Kings seale, or money, are not baileable. *West. 1. cap. 15.*

11. Excommunicate persons, taken by a writ *de excommunicato capiendo* shall not be bailed. *Where baile is taken away. West. 1. 15. See 23. H. 6. ca. 10.*

12. Such persons as are in execution upon any statute or recognizance, or upon judgement given in the Kings Courts at the suit of any person, shall not bee bailed untill they have agreed with the plaintiffe. *1. R. 2. ca. 12. 23. H. 6. ca. 10. Fitz. N. Br. fol. 93. c. & 121. a.*

13. Felons taken for murder are not baileable, but if it be but for Manlaughter they may be bailed. But felons taken with the manner are not baileable, *Westminster, 1. cap. 15.* Or if it bee apparantly knowne that they did the felony, they are not baileable.

14. Or if they confesse the felony upon their examination before the Iust. of P. *Crompt. 152. B.* Or if he be a Thiefe openly knowne, *West. 1. 15.* Or if he bee of evill fame by credible report. *Br. Mainp. 75.* in all these cases they are not baileable.

15. Yet in these former cases of felony, if the theft be not above the value of Twelve pence, the Iustices of peace may baile the prisoner, it being no felony of death.

16. Nor hee which is convicted, or attaint of felony, is not baileable.

17. Also persons convicted of Forceible Entry, or detainer shall not be bailed untill they have paid their Fyne, or have found sureties by recognizance for payment thereof.

18. Forgers of any deed, writing sealed, will, or Court Roll, and the assenters thereto, and the publishers thereof knowing the same, shall not be bailed if they be convicted thereof, but every of the offendours aforesaid (in all cases of forgery) being thereof convicted, shall suffer perpetuall imprisonment during their lives, where any mans estate of inheritance, Free-hold, or Copsy-hold shall bee defeated, *28. Eliz. ca. 4. in Ireland.*

defeated, charged, or molested thereby, otherwise the offendours shall suffer one yeares imprisonment without baile.

10. Carolica. 3.
in Ireland.

19. Persons convicted of making fraudulent conveyances their defenders, Iustifiers, or putters thereof in ure knowing the same, and those which shall assigne over any lands, leases or goods so to them convayed, knowing the same, shall suffer imprisonment one halfe yeare without baile.

20. Maintainers of houses, or places for any unlawfull game, and common gamesters, every Iustice of Peace seeing or finding any such may imprison the offendours till they finde sureties by recognisance no more to offend in the premises or for their good behaviour, and this he may doe by the common Law, and by the first *Assignavimus* of the Commission of the peace, and the offendours shall not be bailed without finding such bonds.

10. Carolica. 26.

21. Collectors for high-ways, bridges, Causeys or Toghers which shall refuse to accompt for the mony by them collected shall be imprisoned untill they have accompted for and paid the same, and shall not be bailed.

22. Hunting, if any lay man not having in lands 40. s. *per annum*, Or if any Priest or Clerke, not having 10. l. living *per annum*, shall keepe any hound, greyhound, or other dogge for to hunt, or any Ferrets, hayes, nets, or other engines to take or destroy Deare, Hare, Conyes, or other Gentlemens game, and shall be thereof convicted, every such offendour shall be imprisoned for one whole yeare, and not bailed: 13. R. 2. ca. 13.

23. Reporters of false newes which may cause discord betweene the King and his people, and spreaders of false newes or lyes of any of the Peeres or great officers of the Realme if they be thereof convicted shall be imprisoned untill they have brought him into the Court who was first author of the tale, and shall not be bailed, 3. E. 1. ca. 33. 2. R. 2. ca. 5.

23. M. 6. ca. 10.

24. No person committed by the King, or Counsels commandement, nor by any of the K. Iust. shall be bailed.

25. So in all cases, where a statute ordaineth that an offender shall be imprisoned at the Kings will and pleasure there the prisoner cannot be bailed or delivered untill the King hath signified his pleasure of him (as if one be imprisoned for going or riding armed contrary to the statute of North-hampton made *Anno 2. E. 3. ca. 3.*) 24. E. 3. f. 3. Br. contempts 6.

26. And in such cases the prisoner is to redeeme his liberty with some portion of money as he can best agree with the King or his Iustices for the same, And so it seemeth the Iu. before whom such an offendour shall be convict, may assesse such Fine or ransome, according to their discretions, and upon payment thereof may deliver the prisoner out of prison, for the King signifieth therein his pleasure by the mouths of his Iustices.

27. Servants

27. Servants departing from their masters without good cause, and persons compellable to serve, that upon request made shall refuse to serve for the wages rated and appointed by proclamation and being committed for that cause are not baileable.

28. Such persons as at their proper Costs, shall buy, or weare ^{2.H.6.4.} any Liveries, cloathes, or hats, to have maintenance and be thereof convicted, shall have one whole yeares imprisonment without baile.

29. Persons taken for falsifying the Kings money shall not be bailed, *Westm. 1. ca. 13.*

30. Persons committing perjury by his or their deposition in any Court of Record, or Court Baron, being thereof lawfully convicted, shall have sixe moneths imprisonment without baile. So of procurers of such perjury they being thereof lawfully convicted and not having to pay the penalty of the statute, they shall have one yeares imprisonment without baile. ^{28.El.ca.1. in Ireland.}

31. Such as offend against the statute, 2. *El. ca. 2.* concerning uniformity of common prayer, and service in the Church, and be thereof lawfully convicted by verdict of 12. men or by their owne confession, or by the notorious evidence of the fact, they shall be committed without baile, *See the statute 2. El. 2.* for in some cases the offender shall suffer sixe moneths imprisonment, in other cases one whole yeares imprisonment, and in other cases imprisonment during life. ^{2.El.ca.2. in Ireland.}

32. Purveyor (or other officer) of any noble man, &c. taking any thing of any subject against his will, such offenders shall bee ^{33.H.6.ca.14.} committed to prison without bayle, untill they shall redeliver the goods so taken, or the value thereof, *See ibid.*

33. Riotters, attainted of great Riots shall have one yeares imprisonment without baile; and all persons convicted (by the view of ^{21.H.5.ca.6.} the Ju. or upon the enquiry, or otherwise) of any Riot shall bee committed untill they have paid their Fyne, and shall not be bailed.

34. Sheriffes not making their election of Knights for the Parliament in their full County, betweene the houres of 8. and 11. in the forenoone, or returning knights for the Parliament contrary to the statute, and being of either of the said offences attainted before the Iustices of Assise, they shall be imprisoned for one whole yeare without baile. ^{23.H.6.ca.12.}

35. The defendant in a suit for Tithes, that disobeyeth the Iudges sentence, shall be committed without baile, untill he shall find sufficient sureties by recognizance, to obey and performe that sentence, *vid. tit. Tithes.* ^{33.H.8.ca.12. in Ireland.}

36. Persons committed for any Treason touching the King, they are not baileable, *Westm. 1. ca. 13.*

37. Counterfeiters of money, or of the Kings scale, are not baileable, *Westm. 1. ca. 15. Br. Mainp. 59.*

38. Vaga-

33. H. 8. ca. 15.
in Ireland.

38. Vagabonds or Rogues committed according to the Statute of 33. H. 8. ca. 15. are not to be bailed.

39. Outlawed persons taken for the same are not baileable, *Westm. 1. ca. 15. & 23. H. 6. ca. 10.*

40. Falsifiers, or counterfeiterers of waights or measures (after they be indicted thereof) shall bee taken and imprisoned without baile, untill they be acquitted or attainted, and if they be attainted, they shall remaine in prison untill they have made Fyne and ran-some, according to the Iust. discretion, *9. H. 5. 8. Parl. 2.*

41. Witches and Sorcerers being of any of the said offences lawfully convicted are not baileable.

10. Carolica. 17.
in Ireland.

42. Taking of women unmarried, and under the age of 16 yeares, out of the possession of their parents, or other person having lawfully the keeping of them, and against their wils, or contracting marriage with such a maid against the will of, or unknowing of, or to the Father of such a mayd (if he be living) or against the will, &c. of the mother, having the custody and governance of such child; The offenders in these two last cases being thereof lawfully convicted for the first is to have two yeares imprisonment, and for the latter shall have five yeares imprisonment without baile, &c.

Bridges, Causeys, Toghers and High-ways. CHAP. 6.

Mag Chart. 15. 1.
P. tit. Waic. 1.

F. Grants. 94.
44. E. 3. 31.
21. E. 4. 46.

NO village, or freemen by the common Law shall be compelled to make any bridge, but such as by right they had wont to make, and that they and their ancestors have used time out of mind to make the same, or that they hold certaine lands to make the same, for though a man of his owne accord hath made or amended a Bridge, yet shall he not be thereto constrained at another time, and yet if a man and his ancestors, or a corporation, &c. have time out of minde used to doe such things, although they did it of their owne free minde and accord, and not of right, yet such continuance shall conclude them and their heires and successors. And so of high-ways, *21. Ed. 4. 46.*

P. Bridges. 1.

Cromp. 186. b.
& 187. b.

37. Aff. pl. 10.
per Greene.

2. He that hath his land adjoyning to such Bridge, is not chargeable to make or repaire the Bridge, except where they have made it by prescription. *8. H. 7. fol. 5. b.*

3. By common right Bridges shall be amended by the whole County, for that it is for their common good and ease, and yet if any have fishings, or other profit in that River, they in reason and Law (as it seemeth) are chargeable, and therefore the Iust. of P. in good discretion may taxe such proportionably to their profit.

4. Where men are charged by their Tenure or lands every owner or occupier of such lands are to be charged proportionably to their said lands.

5. Such

5. Such as are chargeable to repaire such Bridge may enter upon any other mans land or soyle adjoyning, and may lay there stone, lime, timber, or other things necessary for the repairing, and amending thereof, and the owner of the lands shall have no action, therefore, for it is for the common profit, &c. *Co. II. 52.*

6. If a man maketh a Bridge for easement to his Mill, and that decayeth, the party nor any other shall be charged to repaire this, for it is no common passage. *Crompt. 137.*

7. But now by a statute made in *Ann. 10. Caroli. ca. 29.* It is enacted that aswell the Iustices of Assize in their severall circuits, as also the Iustices of peace in every Shire of this Realme, Franchise, Citty, or Burrough, shall have power and authority to enquire, heare, and determine publicly in the generall Assizes or Sessions of the peace respectively, of all manner of annoyances of Bridges, Causeys, & Toghers, broken or decayed in the high waies, to the damage of the Kings liege people. And also of and concerning the new building, erecting and making of new Bridges, Causeys, and Toghers, broken or decayed in the high waies, to the damage of the Kings liege people, and also of and concerning the new building, erecting & making of new Bridges, Causeys, or Toghers, in other places fit & necessary for the same, and to make such processe and peines upon every presentment afore them respectively, for the reformation of the same against such as ought to be charged for the making or amending of such Bridges, Causeys, and Toghers, as the Kings Iustices of his Bench use commonly to doe, or as it shall seeme by their discretions to be necessary & convenient for the speedy amendment, erecting and making of such Bridges, Causeys, and Toghers, & every or any of them. And where in many parts of this Realme, it cannot be knowne and proved what County, Barony, Citty, Burrough, Towne, or parish, nor what person certaine, or body politique, ought of right to make or repaire such Bridges, Causeys, or Toghers, by reason wherof such Bridges, Causeys, & Toghers, for lacke of knowledge of such as ought to make or repaire them, for the most part lye without making or repairing to the great annoyance of the Kings subjects. It is further enacted that in every such case the said Bridges, Causeys, and Toghers, if they be without Citty, or Towne corporate, shall be made by the Inhabitants of the Shire or Barony within the which the said Bridges, Causeys, and Toghers shall happen to be in decay, or thought fit to be newly erected or made. And if within any Citty, or Towne corporate which is a County of it selfe, then by the Inhabitants of every such Citty, or Towne corporate wherein such Bridges, Causeys, & Toghers, or any of them happen to be in decay or thought fit to be newly erected & made, and if within a Towne corporate which is no County, then by the County or Barony wherein such Bridges, Causeys, or Toghers shall happen to be or thought fit to be newly erected; and if part of any such Bridges, Causeys, and Toghers, or any of them happen to be in one County and the other part thereof in another County that then in every such case,

the Inhabitants of both the said Counties shall be charged, and chargeable to amend, make and repaire such part and portion of such Bridges, Causeys, & Toghers, or any of them as shall lie and be within the limits of the Shire wherein they be inhabiting and dwelling.

8. And it is further enacted that in every such case the said Iustices of Assize in their Circuits, and the said Iustices of the peace in the Quarter Sessions respectively, with the assent of the Grand Jury, shall have power and authority to tax and set every Inhabitant in any such County, Barony, Citty, Burrough, Towne, or parish, within the limits of their Commissions and authorities, to such reasonable aide and summe of money as they shall thinke by ther discretions convenient and sufficient, for the new building, repairing, re-edifying and amendment of such Bridges, Causeys, and Toghers, and after such taxations made, the Iustices of Assize, and Iustices of peace respectively, shall cause the names and summes of every particular person so by them taxed to be written in a Rolle indented, and shall also have power and authority to make two Collectors of every Barony, Citty, Burrough, Towne, or Parish, for collection of all such summes of money by them set and taxed, which Collectors receiving the one part of the said Rolle indented, under the seales of the said Iustices shall have power and authority to collect and receive all the particular summes of money therein contained, and to distraine every such Inhabitant as shall be taxed and refuse payment thereof in his lands, goods, and Chattells, and to sell such distresse, and of the sale thereof, retaine and perceive all the money taxed and the residue (if the distresse be better) to deliver to the owner thereof: And that the same Iustices of Assize, and Iustices of the peace respectively, within the limits of their Commissions and authorities, shall also have power and authority to name and appoint two Surveyors which shall see every such Bridge, Causey, and Togher builded, repaired, and amended from time to time, as often as need shall require, to whose hands the said Collectors shall pay the said summes of money taxed, and by them received: And that the Collectors, and Surveyors, and every of them and their Executors, and administrators, and the Executors, and administrators of them and every of them from time to time, shall at the publique Sessions of the peace, make a true declaration and accompt to the Iustices of peace of the Shire, Citty, or Towne corporate, wherein they shall be appointed Collectors, or Surveyors, of the receipts, payments and expences of the said summes of money. And if they or any of them, refuse that to doe, that then the Iustices of the peace from time to time by their discretions, shall have power and authority to make proccesse against the said Collectors, and Surveyors, and every of them their Executors, and administrators, and the Executors, and administrators of every of them by Attachments under their seales, returneable at the generall Sessions of the peace: And if they appeare, then to compell them to accompt as is aforesaid, or else if they or any

any of them refuse that to doe, then to commit such of them as shall refuse to ward, there to remaine without baile or mainprise, till the said declaration and accompt be truely made.

9. And lastly it is enacted by the said statute, that the Iustices of Assize, and Iustices of the peace respectively, shall have full power and authority to allow such reasonable costs and charges to the said Surveyors, and Collectors, as by their discretions shall be thought convenient.

10. Now concerning high-ways, although by the ancient common Law, every Country ought to maintaine and repaire wayes and passages betweene Market Townes, yet for the better performance thereof, diverse ancient statutes have beene made, *viz.* the statute of *Winchester* in the time of *E. 1.* whereby it is ordained that the wayes should be so enlarged that no bushes should be within 200. foote, and the statute of 11. *Iacobi ca. 7.* whereby it is ordained that Constables and Churchwardens of every Parish within this Realme, shall yearely upon the Tuesday and wednesday in Easter weeke call together a number of the parishioners, and shal then elect and choose two honest persons of the parish to be Surveyors, and orderers of the works for the amendment of the high wayes, Cashes, and paces in their parish, leading to any market Towne, the which persons have authority by vertue of that Act to order and direct the persons and carriages that shall be appointed for those workes by their discretions, and the said persons so named shall take upon them the execution of their said offices, upon paine every of them making default to forfeit ten pounds.

11. *Iacobi ca. 7.*
in Ireland.

11. And the said Constables and Churchwardens shall also then name and appoint fixe dayes for the amendment and clearing of the said high-ways, cashes and paces in the said severall parishes before the feast of Saint Iohn Baptist then next following, and shall openly in the Church the next Sunday after Easter, give notice of the same fixe dayes, and upon the said dayes the parishioners shall endeavor themselves to the amendment and cleering of the said wayes, cashes and paces, and shall be chargeable thereunto as followeth, that is to say all and every person, or persons for every plow land in tillage or pasture that hee, shee, or they, shall occupie in the same parish, and all and every other person or persons keeping therein a draught or plow shall finde and send at every day and place to bee appointed for the amendment of the high-ways in that parish, as is afore-said, one Wayne, or Cart, furnished after the custome of the Country with Oxen, horses, or other Cartell, and all other necessities meete to carrie things convenient for that purpose, and also two able men with the same, upon paine of every draught making default, twenty shillings.

12. And at every day and place to bee appointed for the mending of the Cashes and clearing of the said paces two able persons

sons furnished with necessarie tooles for that purpose, upon paine of every default ten shillings, and every housholder, and every cottier and labourer of that parish able to labour, and being no hired servant by the yeare, shall by themselves or one sufficient labourer, for every of them upon every of the said fixe dayes, worke and travell in the amendment of the said high-ways, Cashes, or paces, upon paine of every person making default, to lose for every day two shillings.

13. And if the carriages of the parish, or any of them shall not be thought needfull by the supervisors to bee occupied upon any of the said dayes for the amendment of the said high-ways, that then every such person that should have sent any such carriage, shall send to the said worke for every carriage so spared, two able men there to labour for that day upon paine to lose for every man, not so sent to the said worke, two shillings.

14. And every person and carriage abovesaid shall bring with them such Shovels, Spades, Pickaxes, Mattocks, Axes and other Tooles and instruments as shall be necessarie for the said worke, and all and every the said persons and carriages shall doe and keep their worke as they shall be appointed by the said supervisors, or one of them, eight houres of every the said dayes, unlesse they shall bee otherwise licenced by the supervisors or one of them.

15. And further, that it shall and may be lawfull to all and singular supervisor, and supervisors, and Orderers of the said worke for the time being, for the amendment of the said high-ways and Cashes, thereunto elected and appointed as aforesaid, for the better repairing and amendment of the high-ways, and making of Cashes in their severall parishes and limits, where they shall be so made supervisors, if it shall so to them be thought necessary, to take and carry away of the rubbish or small broken stones of any quarrie or quarries, and to cut and carrie away any underwoods, growing, lying or being within the parish where they shall be supervisors without lycence, controlement or impeachment of the owners or owner, so much as by their discretion shall bee deemed and adjudged necessary to the amendment of the said wayes and Cashes, the owners of the said underwoods notwithstanding to be paid for the same by the parishes, as the same shall be valued by the said supervisors, and that for default of any quarry or quarries, not being within their said parish or limits, or in default of rubbish not to be found in any such quarry or quarries, it shall and may be lawfull to any such supervisors or supervisor for the use aforesaid, in the severall grounds of any person or persons being within the parish and limits where they shall be supervisors, and nigh-adjoyning to the way or wayes wherein such reparations shall be thought necessary to be made, where gravell, sand, or finders, is likely to be found to digge or cause to be digged for gravel, sand, or finders, & likewise to gather stones lying upon any

any lands or grounds within the parish, and meete to be used to such services and purposes, and thereof to take and carry away so much as by the discretion of the said supervisors shall be thought necessary to bee applied in the amendment of the said high-ways.

16. Provided alwayes that it shall not be lawfull to any such supervisor or supervisors to cause any rubbish to be digged out of any quarry or quarries, but onely shall extend to such rubbish as shall be found there ready digged by the owner or owners of the said quarry or quarries, or otherwise by his or their lycence and commandement, nor to digge or cause to be digged any gravell, sand or sinder in the house, garden, Orchard, or meadow, of any person or persons, nor to cause any more pits to be digged for gravell in any severall or inclosed ground then one onely; and that the same pit or hole so digged for gravell, as aforesaid, shall not bee any way in breadth and length above ten yards at the most; and every such supervisor as shall cause any such pit to be made and digged for gravell, sand or sinder, as aforesaid, shall within one moneth next after any such digging, or pit made, cause the same to bee filled and stopped up with earth, at the costs and charges of the parishioners, upon paine to forfeit to the owner, or owners of the soile where any such pit shall be made and digged, for every default five pounds to be recovered by action of debt, as in other like cases of debt have beene accustomed.

17. And forasmuch as the high-ways in sundry places of this Realme are full of Bogges, continuall springs, or water-courses, by continuall increase and sinking whereof into the ground, the said ways are not onely deepe and verie dangerous, but also for the most part impossible to be amended and repaired in any good and sufficient manner, it is therefore further enacted that every such supervisor or supervisors shall within the parish or limits where he or they shall be supervisors, have full power, and authoritie, to make Cashes of such Bogges, and to turne any such course or spring of water being in any of the said high-ways, into any ditch or ditches of the severall ground or soyle of any person or persons whatsoever, next adjoyning to the said ways, in such manner and forme as by the discretions of the said supervisors shall be thought meekest and most convenient.

18. And further also, that the hayes, fences, ditches or hedges next adjoyning, on either side, to any high or common or Fairing way, shall from time to time be ditched, scoured, repaired, and kept low, and all Trees and Bushes growing in the high-ways, or paces cut downe by the owner or owners of the ground or soyle, which shall bee enclosed with the said hayes, Fences, ditches or hedges aforesaid, whereby the said ways may be open, and the people have more ready and easie passage in the same, upon paine that all and every person and persons making default therein shall forfeit and loose Twenty pounds.

19. And

19. And it is further enacted that all and every person or persons that shall occupy or plow land in tillage, or pasture, lying or being in severall parishes shall be chargeable to the making of the high wayes and Cashes: and cutting or clearing of Paces within the parishes where he dwelleth, as farre forth and in such manner and forme, as any person having a plow-land in any parish ought to be chargeable by the said Act as aforesaid: and that every person or persons occupying or keeping in his or their hand, or possession, severall or divers plow-lands, as aforesaid, in severall or divers parishes, shall be charged to finde in each parish, where the plow-lands being in his occupying doe lye, one Cart, Waine, Tumbrell, Dungpot, or Court-slade, Carres, or drags furnished, and two men and other things as before, for the amendment and repairing of the high-wayes, making of Cashes, and cleering of Paces within the severall parishes where the said plow-lands doe lye, in such manner and forme as if hee, or they were a parishioner dwelling within the parishes where the same severall plow-lands doe lye. And for the better keeping of the high-wayes passable for his Majesties subjects: It is likewise enacted that no person or persons having any ground by lease or otherwise, adjoining to any high-way or common fairing way leading to any market Towne shall cast or scoure any ditch, and throw and lay the soyle thereof into the high way, and suffer it to lye there by the space of sixe moneths, to the annoyance of the said high way or common fairing way, upon paine of forfeiture for every load of soyle, so cast into the high way or common fairing way, in ditching or scouring, twelve pence: and where any heretofore have beene so cast into the high-wayes, or common fairing way, that there is a banke betweene the said way and ditch, that it shall be lawfull for the supervisors and workemen appointed for the amendment of the said high-wayes to make sluices, or other devices by their discretions to convey the water out of the said way into the ditch, any Law, right, interest, custome, or usage notwithstanding.

20. And it is further enacted that all and every Iustices of Assise, Iustices of Oyer, and Terminer, and Iustices of the peace, in their Sessions and Stewards of Leetes and Law dayes in their Leetes, and Law dayes, shall enquire of, and heare and determine all and every offence, matter and cause that shall grow, come or arise by reason of this Statute, and to assesse such reasonable Fines and amerciaments for the same as by them shall be thought meete, and that all and every penalty, summe or summes of money forfeited, or to be imposed for any cause within this Statute, shall be levied within every parish by the Surveyors of the wayes within that parish for the time being, by distresse and sale of distresses in manner and Forme as Fines and amerciaments in Leets have beene used, and the money so levied to be employed upon the high-way or common fairing way where the offence was committed within one yeare, and the said Surveyors shall

shall at least once every yeare at the quarter Sessions to be holden for the said County make a true Accompt before the Iustices of peace there, or any two of them, whereof one to be of the *Quorum*, and shall make payment of all such ~~summes~~ of mony to the Surveyors to be appointed for the yeare next following as he or they shall have collected upon the Estrates thereof to be made unto them, upon paine to forfeit for every time hee shall not so doe, forty shillings sterl. and to be committed untill they make payment thereof, and the Clerke of the Crowne, or of the peace, and the Steward of every Leete shall make estrates indented, of all the Fines, forfeitures and amerciaments upon the said defaults, and shall deliver the one part thereof to the Surveyors of every parish where the said offence was committed yearly within Six weekes after the Feast of Saint Michael the Archangell, and the said Surveyors upon their accompt shall have allowed for every pound they shall collect and pay Eight pence for his owne paines and 12 d. English for the Fees of the Clerke of the Crowne, Clerke of the Peace, or Steward of the Leete for the estrates indented of every severall parish that they shall deliver, as is aforesaid.

21. Note that the Kings high-way, (Or *Regia via*) leading either to the Market, or from towne to towne, the freehold land soile thereof, and the interest of all the trees and other such profits thereupon growing, doe belong to the Lord of the soile, or Lord of the Manor, 17. Ed. 3. fol. 9. Br. Chimin. 20. d. 1. & 27. H. 6. fol. 9. Br. Leetels. And therefore such Lords are chargeable to cut downe the Trees and bushes growing in such high-ways, and yet by the opinion of Keble, 8. H. 7. fol. 3. the freehold of the high-way, and the Trees thereupon growing are belonging to him that hath the land next adjoining, Br. Nufans 28. but it seemeth this must be understood of common field wayes, or other private wayes, and not of the Kings high-way. See 2. Ed. 4. fol. 9. & Briston fol. 111.

22. Note also that he which hath land adjoining next to the K. high-way, by the common Law (before these statutes) was and is chargeable and bound of common right, to cleanse and scoure the ditches adjoining to the said high-way. 8. H. 7. fol. 8. A. Br. Nufans 28.

23. And it is called the Kings high-way, for that the King at all times, hath therein passage for himselfe and all his people, and may punish all Nufans therein, though otherwise the interest thereof be in the Lord, to take all the Trees and such other profits there growing and to bring his Action for digging therein, or for any other like Trespasse there done.

24. And the King (by the common Law) may award his Commission for the amending of the high-ways and Bridges throughout his Realme, so as his people may have safe passage thereby.

P.N.B.
113.A.

Cloth.

Cloth. Stat. 1. 7.

Every Iustice of peace may examine and punish certaine abuses concerning the making of cloth, as appeareth by a Branch of a statute made in Anno 4. Ed. 4. c. 1. which branch followeth in these words, viz.

1. Therefore it is ordeined and established by the authority afore-
Cloth-makers said that every man and woman being cloth-makers from the Feast
of Saint Peter, shall pay to the Carders, spinsters, and all such other
labourers of any member thereof, lawfull money for all their law-
Wages full wages and payment of the same. And also to deliver wolles to
be wrought according to the faithfull delivery and due weight upon
paine of forfeiture to the same labourer the treble of his said wages
so not paid, as often as the said cloth-maker doth refuse to pay the
same in the said manner and forme to any such labourer, put by him
to the occupation in any of the said members of cloth-making. And
also to forfeit to the same labourer for every delivery of excessive
and unlawfull weight to him delivered to be wrought 6.d. for every
default, and that every Carder, Spinster, Weaver, Fuller, Shereman,
and Dyer, shall duely doe his labour in his occupation, upon paine to
yeeld to the party grieved in this behalfe his double damages.

Fuller **2.** And that every Fuller in his Craft and occupation of ful-
ling, rowing, or razeing of cloth, shall exercise razells and no
Cardes, deceitfully empayring the same cloth, upon paine to yeeld
to the party grieved his double damages.

3. And that every Iustice of peace for the time being, of every
County of this Realme throughout the same County, out of Cities,
Burroughes, and Townes where any Maior, Maister, Warden, bailiffe,
or bailiffes is or be, and every Maior, where there is no maister, and
every maister where there is no Maior, and every bailiffe or bailiffes,
where there is no Maior nor maister, and every Portreve, where no
Maior, maister, bailiffe nor bailiffes is or be, of every City Burgh and
Towne within every such County afore said, and every Constable of
hundred where any Constable of hundred is out of every Citty,
Burgh, and Towne, where any Maior, Maister, Bailiffe or Bailiffes, or
portrives is or be. And every Steward keeping or holding Wapen-
take or Leete of any person, out of City, Burgh, or Towne, where no
Maior, Maister, bailiffe, or bailiffes, or portreves is or be, shall have
power and authority by this ordinance to heare and determine the
Complaints of every such cloth-maker and labourer, aswell for non
payment of the said labourers wages, as of the said forfeiture and
damages by due examination of the parties in this behalfe thereupon,
for non payment of the said duties and forfeiture, and for the said
damages to commit the said offenders in this behalfe to the next
gaole within the same County there to remaine till the said duties,
forfeitures

forfeitures and damages be duely paid to the said labourer or cloth-maker. And also that every of the said Iustices of P. Maior, Maister, Warden, bailiffe, or bailiffes, portreve, and steward or Wapentake and Leete upon the information or complaint of any other person, which is not grieved in this behalfe, shall have power by the said authoritie within his jurisdiction to cause the party to come before him, against whom such Information or complaint shall be made for offending this ordinance, and to examine them in and upon the matter contained in the same information or complaint. And if the party by examination or other due prooffe be found guilty or defective, that then the same party, as often and for every time that he is so found guilty or defective shall forfeite to the King or to such person or persons which is or be intituled, to have fines, or amerciaments for offences done within there Jurisdiction three shillings and foure pence. And that every of the said Iustices of peace and other officers aforesaid within their Jurisdiction upon every of the said Informations or complaints shall have full power to make like proces against the party, upon whom any such Information or complaint, as before is rehearsed, shall be made to cause him personally to appeare before him, thereupon to be examined as Iustices of peace have upon Information or complaint made to them for surety of the peace without any Fee or reward to be taken or had by any of the said Iustices or any other officer in this party for the execution of their offices in this behalfe.

Constables. CHAP. 8.

1. **E**very Iustice of peace may cause two Constables to be chosen in each hundred or barony. And this is to be understood of the high Constables of hundreds, and it is implied of congruence that he sweare them, and this seemeth to bee by vertue and force of the statute of *Winchester*, made 13. Ed. 1. and of the first *Assignamus* of the Commission of the peace. 13. Ed. 1. ca. 6.

2. Note that these Constables of hundreds were first ordained by the said statute of *Winchester*, *tempore Ed. 1.* And they were to make view of armour twice every yeare, and to present before Iustices assigned, defaults of Armour, of Watches, of high-waies, and of Huy and Cry, and also all such as lodged strangers, for whom they would not answere. 13. Ed. 1. ca. 6.

3. Petite Constables (in Townes and parishes) were after devised for the aide of the Constables of the hundred, viz. about the beginning of the raigne of K. E. 3. as appeareth by Master *Lambert*, in his booke of the duries of Constables, pag. 9. See stat. 4. Ed. 1. ca. 3. & 10.

4. The chusing and swearing of these petty Constables is reputed properly to belong to the Court Leet: yet we finde it usuall and One Iustice?

warranted by common experience that every Iustice of Peace doth also sweare them.

Co. 8. 41.

5. And here for the better chusing of these Constables, you shall understand that the law requireth that every Constable be *Idoneus homo*, that is, apt and fit for the execution of the said office, and he is said in law to bee *Idoneus* who hath these three things, honestie, knowledge, and abilitie.

1. Honestie, to execute his office truely without malice, affection or partialitie.

2. Knowledge, to understand what he ought to doe.

3. Ability, as well in substance or estate as in body, that so he may intend and execute his office diligently, and not through impotency of body or want to neglect the place.

6. And if any shall be chosen Constable which is not thus enabled and qualified, he may by Law be discharged of his said office, and another fit man appointed in his place.

Co. 8. 42.

3. Ed. 4. ca. 5.
in Ireland.

7. Also by a statute made in Ireland in the fifth yeare of the Raigne of King Edward the fourth, it is ordained that in every English Towne of this land that hath more then three houses holden by Tenants, where no other president is, be chosen by his neighbours, or by the Lord of the same Towne, one Constable to be president and governour of the same Towne, in all things that pertaineth to the common rule of the same Towne, as is in ordinance of night watch from Michaelmas to Easter yearly, under paine of three pence every night, and also to ordaine one paire of Buts for shooting within the Towne or well neare, upon the Costs and labour of the said Towne under paine of two shillings from one moneth to other after the publication hereof till the Constable be made and the Buts also, and that every man of the same Towne, in such houre as the Constable or his Deputy of his neighbours will assigne, that is betwixt threescore and sixteene yeares of age muster before the Constable or his deputy at the said Buts and shoot up and downe three times every feast day betwixt the first of March and the last day of Iuly, under paine of one halfe penny for every day, and that all these paines be levied of their goods or wages from moneth to moneth by the Constable to be spent in strengthening of the same Towne, or otherwise in his default to be levied by the Warden of the peace, and that the paines lost be spent upon the Townes where the said paines riseth.

8. Also by a statute made in Ireland in the tenth yeare of King Henry the seventh it is ordained, That every subject having goods and Chattels to the value of Ten pounds, have an English Bow and a sheafe of Arrowes according, every subject having goods to the value of 20. l. have a lacke, Sallet, and English Bow, and a sheafe of arrowes, every Freeholder having land to the value yearly of foure pounds, have his horse, lacke, Sallet, Bow and Sheafe of Arrowes, every

every Lord, Knight, and Esquire within the said land have for every yeoman daily in their household, Iacke, Salet, Bow, and Arrowes, to the intent that all the Commons of the said land may be able to doe the King or his Lievetenant service for their owne defence and suretie, And that if the foresaid persons or any of them doe not observe and performe the premises, as it is before specified, that then they and every of them doe forfeit to the King 6.s. 8.d. as often times as they and every of them shall offend the foresaid ordinance: And likewise that there be in every Barony within every Shire of the said land two Wardens of peace having authority, as it hath been used of old time, and in every parish Constables of able persons, inhabitants within the said parishes, and a paire of Butts to be had within every of the foresaid parishes, at the cost of the said parishioners, that the Commons of the said land may the sooner attaine the practise and experience of Archers, And that the foresaid Constables in every parish upon paine of forfeiture of 12.d. at every default, doe call before them or one of them every holy day all and every of the foresaid persons, having Bowes and Arrowes, as afore is rehearsed, to shoot, and cause them to shoot at the least two or three games at the said Butts, and if any of the said persons make default at any holy day without a reasonable cause shewed that then the said Constables have full power and authority to record their defaults and amerce them and every of them at every such default in 4.d. and the said Constables to present the said amerciements in writing to the Barons of the Kings Eschequer in the said land to be levied and perceived in like manner and forme as the Kings Revenues have beene levied there.

10.H.7.ca.9.
in Ireland.

Felonie. CHAP. 9.

1. **E**Very Iustice of peace by force of the first *Assignavimus* of the Commission may cause fresh suite Hue and Cry, and search to be made by the Sheriffe, bailiffes, Constables, and others, upon any Treason, robbery, theft, or other felony, and also may cause the Constables to arrest and to imprison all such as shall be suspected of such Treason or felony, or to be Theeves, Murderers, or Felons.

2. Also every Iustice of peace may and must take the examination of all such felons or persons suspected of treason or felony as shall be brought before him, and must also take information against them (of those that bring them) *sc.* of the fact, and of circumstances thereof, and must put in writing such examinations and informations, or so much thereof as shall be materiall to prove the felony, and must certifie them to the next generall gaole delivery, and after such examination and information taken, then must commit such traitors or felons to the gaole, if they be not baileable; but if they be baile-

10.Carolina, 13.

able, then there must be two Iustices together, the one of them of the *Quorum* to bayle them, or else they cannot be bailed.

3. The Iustice of peace that taketh the examinations must by recognisance binde the Informers that doe declare any thing materiall to prove the felony or treason, to appeare and give evidence against the felon at the next generall gaole delivery, to be holden within the County, City, or Towne corporate, where the triall of the said offence shall be.

Stamf. 52.
Li. intr. 385.
Co. 9. 118.

4. The Iustices of peace in the County of Dublin as well by vertue of their Commission, as also by force of the statutes of 18. E. 3. 2. 34. Ed. 3. 1. & 17. R. 2. 10. have authority to heare and determine all felonies; for the words of the Commission to that purpose are, *Audiendum & terminandum, & ad delinquentes castigandum & puniendum.*

5. Also there be divers statutes which by speciall words did ordaine that the Iustices of peace should have authority at their generall quarter Sessions to inquire of, heare and determine certaine felonies, As the statutes 18. H. 6. 19. and 1. Ed. 4. for felonies presented before Sheriffes in their Turnes or law dayes.

Cramp. 96.

6. And yet there be some felonies, which the Iustices of peace cannot heare or try at all, neither can they enquire thereof, nor otherwise deale therewith, as it seemeth, as namely.

2. H. 6. 12.
Co. 11. 34.

7. Embeazelling of any record, writ, retorne, panel, proces or warrant of Atturney in the Chancery, Eschequer, the one bench, or the other, or in the treasury, whereby any judgement shall be reversed, Every such offence is made felony in such imbezellor, stealer, or taker away, and in their procurors, Counsellors and abettors by the statute of 8. H. 6. But such offences are by the same statute appointed to be tryed by a Jury, whereof the one halfe shall be of the men of the same Courts, and before the Iudges of the said Courts of the one Bench, or of the other.

2. R. 3. 106

8. Razing of any such record is also felony within the said statute of 8. H. 6. and to be tryed as aforesaid, *Br. Cor. 174.*

28. El. ca. 4.
in Ireland.

9. Forging of any deed or writing sealed, or of any Court Roll, will or acquittance; Or to cause or assent to be made any such forged writing, or to publish or shew forth in Evidence any such forged writing, knowing the same to be forged. If any person being once lawfully convicted of any of the said offences, shall afterwards commit any the said offences againe, every such second offence is made felony by the statute of 5. El. ca. 24. in England; But by the same statute such offences are to be inquired of, heard and determined by and before Iustices of Oyer and Terminer, and Iustices of Assize, which statute is enacted in Ireland, in *Anno 28. El. ca. 4.*

10. And therefore whereas one R. Smith was indicted at the Sessions of the peace in the County of Oxford upon the said statute of 5. Elizab. for forging of a false deed, it was adjudged by the whole Court

Court in the K. bench *Anno 30. Elizab.* that the said indictment was not well taken. For although the Iustices of peace by their Commission have power (of Oyer and Terminer) to heare and determine felonies, and trespasses, &c. And have in their said Commission an expresse clause *ad audiendum & terminandum*, and so are Iustices of Oyer and Terminer, yet it was resolved by the Court, that forasmuch as there is a Commission of Oyer and Terminer knowne distinctly by that name; and the Commission of the peace is knowne distinctly by another name; that the said indictment taken before the Iustices of the peace at their Sessions was not well taken, and therefore it was quashed. Co. 2. 118.

11. The reason of this last case and Iudgement seemeth to hold in the former cases, and in all other like cases where any statute doth specially give authoritie to any other distinct Court, or to other Iustices or Commissioners (leaving out the Iustice of peace) to enquire of, heare and determine, or to trie felons, &c. there the Iustices of the peace at their Sessions cannot enquire thereof, &c.

12. Against servants imbeazelling, or taking away the goods of their deceased maister, the executors of the party deceased may have a writ directed to the Sheriffe to make open proclamation two market dayes, that such offendours shall appeare in the K. Bench at a certaine day; And if such writ bee returned and proclamation is thereupon made accordingly, then if the said persons which should appeare by reason of the said proclamation, do make default, and do not appeare in the K. Bench at the day specified in the said writ they shall be attainted of felony by the statute of *33. Hen. 6.* So that such offence of servants embeazelling their said masters goods, beginneth first to be felony upon their default of apparance in the Kings Bench after proclamation; Of which default the Iustices of peace cannot take notice, for that they have not before them the record of such default or not appearing, and therefore the Iu. of P. cannot inquire of such felony. 33. H. 6. ca. 1.

13. But in the former cases, if any such offender shall be brought before any Iust. of peace, and charged with any such felony, *quare* how farre the Iustice of peace is to deale or what he is to doe therein, considering the Iustices of peace are no Iudges of such felonies, neither have they any Iurisdiction given them by the statutes in such cases. Neverthelesse, I conceive it to be both serviceable and safe for the Iustice of peace not onely to examine the offence, and the circumstances thereof, and then to certifie those examinations to such persons as by the statute are made Iudges of the cause, but also to commit such an offendour to prison, and to binde over the Informers to give Evidence, and this I conceive to bee warranted by the statute of *10. Caroli ca. 18.* in Ireland. 10. Caroli ca. 18. in Ireland.

14. Again, if a man had been feloniously stricken, poysoned or bewitched in one County, and after dyed thereof in another County,

10. Carol. ca. 15.
in Ireland.

ty, by the common Law no Indictment could be thereof taken in either of the said two Counties, for that the Jurors of the County where such party dyed could not take knowledge of the said stroke, poysoning or bewitching, (being in a forraigne County.) Nor the Jurors of the County where the stroke, poysoning or bewitching was committed, could not take knowledge of the death in another County: But now by the statute of 10. Caroli ca. 19. an Indictment thereof found by Jurors of the County where the death shall happen (whether it shall be found before the Coroner, or before Iustices of peace, or other Iustices, &c. shall bee good and effectuell in Law, and that the Iustices of gaole delivery, and Oyer and Terminer in the same County where such indictment shall bee taken shall and may proceede upon the same, as if such stroke, poysoning or bewitching, and death had beene all in one and the same County.

10. Caroli ca. 19
in Ireland.

15. Also where Felons had robbed, or stolne goods in one County, and after conveyed the spoile, or goods so stollen into another County to their adherents there, who knowing of such felony, received the same goods; In which case although the principall were after attainted, the accessory notwithstanding escaped, by reason that he was accessory in another County. And that the Jurors of the said other County by the common law could take no knowledge of the principall felony in the first County. But now by the said statute it is enacted that where any murder or felony shall bee committed and done in one County, and other persons shall be accessory, in any manner, to any such murder, or felony, in any other County, That an Indictment thereof, found or taken against such accessory, before the Iustices of peace, or other Iustices, &c. in the County where such offence of accessarie shall be committed, shall be good and effectuell in law, And that the Iustices of Gaole delivery, or Oyer and Terminer, of or in such County, where the offence of any such accessarie shall be committed, shall write to the *Custos Rotulorum*, where such principall shall bee attainted, or convicted, to certifie them whether such principall bee attainted, convicted, or otherwise discharged of such felony, And thereupon the *Custos Rotulorum*, shall make certificate in writing under his seale, to the said Iustices accordingly, and then the Iustices of Gaole delivery or Oyer and Terminer, shall proceed upon every such accessory in the County where such accessory became Accessary, as if both the principall offence, and accessory had beene committed and done in the said County where the offence of accessory was committed.

Co. 9. 117.

16. So as by the letter of this last recited statute the jurisdiction over these last recited felonies, and over such Accessaries is not committed to the Iustices of peace to proceed to the tryall of them; But this authority is committed to the Iustices of gaole delivery or of Oyer and Terminer, yet the Iustices of peace may examine these offences, and take information against the offenders and certifie the same

same to the next generall gaole delivery and may bind over the Informers and commit the offenders, Also the Iustices of peace may inquire thereof, and take indictments against them as in other cases of felony.

17. Lastly the Iustices of peace (at their Sessions) cannot make tryall of such as be indicted of Felonie, before Coroners or before the Iustices of gaole delivery or of Oyer and Terminer, unless the same persons (*scilicet*, the said Coroner, Iustices of Gaole delivery, or of Oyer and Terminer) were also Iustices of peace in the same County, so as the indictment may be understood to be taken by them as before Iustices of the peace, For the Commission of the peace, and the authority of Iustices of the peace, extendeth onely to try such as stand indicted before themselves or before former Iustices of the P. or before the Sheriffe in his Tourne or the Steward in a Leete. See the statute 1. Ed. 4. cap. 2. for indictments taken in the Sheriffes Tourne and for Indictments taken in a Leet. See. Br. tit. Leet. 1.

18. But now to returne to the businesse of the Iustices of peace out of their Sessions. If one shall bring a man suspected of Treason or felony before any Iust. of P. but refuseth to be bound to give Evidence against the prisoner either at the generall gaole delivery, or quarter Sessions, as the case shall require, If such bringer hath given Evidence before the said Iu. against the prisoner, or can declare any thing materiall to prove the felony and will not, the Iustice of peace (upon his discretion) may commit to prison such person for refusing, or may bind him to his good behaviour, But if the bringer of a person suspected of felony cannot declare any thing materiall to prove the felony nor any other person then present, the Iustice ought not to commit the prisoner, yet the Iustice of peace shall doe well to examine the prisoner, and if he shall confesse the felony then to commit him, Or if upon his examination, there shall appeare any just cause of suspition, Or if the prisoner be a man of evill fame, and that there be a felony committed in these cases, the Iustice shall doe well not to let him goe, but at least to bind him over to the next gaole delivery, and in the meane time to take further information against him. Now forasmuch as it appeareth that a great part of the office of a Iustice of peace is to be exercised in the apprehending, examining, and committing of felons, it will be necessary to know first what offences are felony by the common Law, And in the next place to set forth what offences are felony by the statute Lawes.

Felonies by the Common Law. CHAP. 10.

1. Felonies by the Common Law are of diverse sorts, as Homicide, Burglarie, Theft, burning of houses, Rescous and escape.

2. Homicide most properly is, *hominis occisio ab homine facta*, for Homicide, if

if a man be killed by a beast (as a horse or dogge), or by any other thing or mischance, although that be *hominis cedium* of which two words Homicide is derived, yet in such cases it is not aptly nor usually said that homicide is committed, but onely a man is said to be slaine.

3. Others doe thus defyne or describe it, Homicide is the felonious killing of one man by another within the Realme and living under the Kings protection.

10. Carolina. 19.
in Ireland.

4. But to kill a man beyond the Seas, or to strike and give one a mortall wound beyond the Seas, or upon the Sea, whereupon he dyeth upon the land (within this Realme) these homicides are not punishable as felony by the common Law, for that they cannot be inquired of nor tryed here, for in criminall causes the rule is *ubi quis delinquit ibi punietur*. But now by a statute made in 10. Carolina. 19. it is otherwise, and by that statute these offences are felony, and shall be tried here.

5. But whether he that is slaine, be an Alien, or a Denizen, an Englishman or stranger, it maketh no difference, if he live under the Kings protection.

Co. 7. 13. 14.
Crompt. 245

6. To kill a man attainted (by verdict or by outlawry, or otherwise) of any murder, felony or Treason, is felony: For none may kill, or put to death any of these, but the Officer of Justice, and that by warrant. See *Doct. & Student. f. 133.*

7. To kill the Kings enemy is no Felony, And by the statute of 25. E. 3. ca. 22. to kill a man attainted upon a *præmunire* is not felony, but by a statute made in England in 5. El. ca. 1. it is declared to be Felony to kill one that is attainted in a *Præmunire*.

8. Also to kill a man that hath abjured the realme, is Felony. See Co. 7. 9. b. and the *Doct. and Student, fol. 133.*

Co. 7. 14.

9. Note that the Kings protection belongeth by the law of nature to all these, and the King may protect and pardon them all.

Homicide
is three-
fold

{ *Voluntate*, & § Murder,
est duplex { Manslaughter or Chancemedley.

{ *Casa* or misadventure, this also is consi- § lawfull
derable after two sorts: sc. whe- { or
ther it happen in doing a thing { unlawfull.

{ *Necessitate*, this is { 1. Commanded, sc. in execution of Justice.
sometimes { 2. Tollerated, § for advancement of Justice.
{ 3. Prohibited, { *Se defendendo*.

Felo de se.

10. But first to write something of *Felo de se*.

Dyer. 262.
Flo. 261.

11. If a man kill himselfe (either with a premeditate hatred against his owne life, or out of discontent, or other humor) he is called

led *Felo de se*, and he shall forfeit to the King his goods and Chattels reall and personall, and his debts due to him by specialty; and also debts due to him without specialtie, or upon simple contract and yet *Dyer* 262.16. *Ed.* 4.7. are that debts upon contract shall not be forfeited, but *Stamford*, fo. 188. and *Co. li.* 4. fo. 95. resolve that debts upon contracts shall be forfeited.

12. But he shall not forfeite his lands: neither shall his blood be corrupt, See *Fitz. Coron.* 362. & 426. *Fi. Cor.* 301. *Plo.* 261.

13. If a man doe give himselfe a deadly wound, and dyeth thereof within the yeare and a day after, All his goods &c. which he had the time of the blow given, or at any time after, shall be forfeited to the King. *Plo.* 261.

14. Yet the goods of *felo de se*, be not forfeited till his death be presented and found of record; neither can these goods be claymed by prescription by Lords of liberties, &c. but by the Kings grant, because the King is intituled by matter of record. *Co.* 110. *21. H. 7.* 33.

15. If A. doe strike B. to the ground and then draweth his knife to kill B. and B. lying upon the ground, draweth his knife to defend himselfe, and A. is so hasty to kill B. that he falleth upon B. his knife, and so A. is slaine, here A. in a manner is *Felo de se*, And yet shall not A. forfeite his goods in this case, See *44. Ass. p.* 17. *Br. Cor.* 12. & 14. *44. Ed.* 3. 44. *Fitz. Cor.* 94.

16. If one that wanteth discretion, killeth himselfe (as an Infant, or a man *non compos mentis*) he shall not forfeite his goods, &c. *Stamf.* 190. *Co.* 1. 90. *Plo.* 269.

17. If a lunatique person killeth himselfe he shall forfeite his goods (sc. if he killeth himselfe out of his lunacy) otherwise if he killeth himselfe during his lunacy. *F. Cor.* 342. *Co.* 4. 125.

18. The enquiry of such a felony, belongeth to the Coroner; And yet if *Felo de se* be cast into the Sea, or so secretly buried that the Coroner cannot have the sight of his body and so cannot enquire thereof, then the Iustices of peace, or any other having authority to enquire of Felonies, may enquire thereof (For that it is felony) and a presentment thereof found before them entitleth the King to his goods. *Co.* 5. 110.

Murder. CHAP. II.

1. **O**F old time every killing of one man by another was called Murder (of the effect) because death ensued of it; Afterward murder was restrained to a secret killing onely and therefore *Bracton* and *Britton* in their definition of murder call it, *Occulta occisio nullo presente*, &c. But since Murder hath beene and is taken in a middle degree neither so largely as it first was, nor so narrowly as *Maister Bract.* and *Britton* speake of it, For murder is now construed to be, when one man upon malice premeditated doth kill another feloniously, viz. with a premeditate and malicious minde whether it be openly or privily

10. H. 7. ca. 31.
in Ireland.

privily done, this by the common Law is felony of death and now by a statute in Ireland made in *Anno 10. H. 7.* it is high Treason.

2. This malice precedent or prepenſed may be either apparant (as where there was a precedent falling out; Or where there is a lying in waite, or a time and place appointed, &c. Or it may be leſſe apparant or manifeſt, and yet ſhall be implied preſumed, and taken to be out of malice precedent by the manner and circumſtances thereof.

Co. 9. 67.

Crompt. 31. 37.

10. H. 7. ca. 31.
in Ireland.

3. As where one killeth another without any provocation, the Law implyeth and adjudgeth it to have proceeded of malice prepenſed, Therefore if one ſuddenly, and without any ſhew of quarrell, or offence offered, ſhall draw his weapon and therewith kill another; Or if one ſhall be reading of ſome booke, or otherwiſe buſied, ſo as he ſaw not the party that ſhall ſtab or ſtrike him (and he dyeth thereof) or ſhall be going over a ſtile, &c. and another ſhall kill him, ſuch offendours ſhall ſuffer death as in caſe of wilfull murder, But the offence of wilfull murder by the ſaid ſtatute made in Ireland in 10. H. 7. is made high Treason: as is before expreſſed.

Co. 4. 40. &
9. 66. 68.

4. To kill the Sheriffe or any of his officers in the execution of the Kings proceſſe, or in doing their office, is murder in him that killeth the officer.

Co. 9. 69.

5. But if he be not an officer knowne, he muſt ſhew his warrant before he arreſt the party, or upon the arreſt (if the other ſhall demand to ſee it) or elſe it ſeemeth the arreſt is tortious; And where the arreſt is tortious (bee it by an officer knowne, or by another) there, the killing of him that maketh ſuch an unlawfull arreſt is no murder, but manſlaughter onely.

Co. 9. 85.

Co. 9. 68.

6. Againe, where an officer hath the Kings writ, or other lawfull warrant, though it be erroneous, yet in the executing thereof, if hee be ſlaine, this is murder. For the officer is not to diſpute of the validity of his warrant, or the authoritie of the Court, or of the Juſtice of peace that ſent the warrant.

Co. 4. 49.
& 9. 68.

7. To kill any Magiſtrate, or Miniſter of Juſtice in the execution of their office, or in keeping the peace (according to the dutie of their office,) is murder, and the law implieth it to be of malice prepenſed. And therefore if the Sheriffe, Juſtice of peace, high Conſtable, petty Conſtable, watchman, or any other miniſter of the Kings, or any that come in their aide be killed in doing their office, this is murder.

23. Elis.
Crompt. 83.

8. If the Sheriffe, or Juſtice of peace come to ſuppreſſe Riotters, and one of the Sheriffe or Juſtices company is ſlaine by one of the Riotters, this is murder in all the Riotters that be there preſent.

Co. 4. 40.

9. A Conſtable with others to aide him, doe come to part an Affray, if the Conſtable or any of his company ſhall be ſlaine in doing this his office, it is murder in him that killed him, although the Affray were on the ſudden, and though it were in the night, for when the Conſtable commands them in the Kings name to keepe the peace,

peace, although they cannot know him to be a Constable, yet at their perill they ought to obey him upon such commandement. Co. 9. 66.

10. And in these cases, the killing of such officers or of any of their company, is in law intended to be of malice prepensed, *sc.* that the murderer had a malicious resolution in him to oppose himselfe against the Law, the officers thereof, and the Iustice of the Realm.

11. Also if a Theefe that offreth to rob a true man, killeth the true man in resisting him, it is murder, of malice prepensed. Plo. 474.
Co. 9. 67.

12. A man carryed his Father (being sick) and against his will (in a frosty and cold time) from one Towne to another, and the Father died thereof, this was adjudged murder in the Sonne. 2. Ed. 3. 18.

13. A harlot delivered of a Childe, hid it in an Orchard, it being alive, and covered it with leaves, and a Kite stroke at it, and the childe died thereof, and the mother was arraigned and executed for Murder. 3. Eliz. Crompt. 249.

14. And in these two last cases, *Voluntas reputabitur pro facto*, death ensuing thereupon, for it may plainly appeare that they had a will and meaning of that harme which followed, which will in them doth amount to malice, and so maketh their offences to be murder: And in such cases where death ensueth, *Nihil interest utrum quis occidat, an causam mortis praebeat.*

15. A man dyeth in the hand of a Physician or Surgeon, this is no felony in the Physician or Surgeon. But if one which is no Physician, or Surgeon will take a Cure upon him, and his patient dyeth under his hand, this hath beene holden to be felony; but I cannot conceive it to be felony, for it cannot be discerned whether the patients death cometh by any wilfull default in the party, or by the patients infirmity, againe there appeareth in them no will to do harme, but rather to doe good; and therefore it would be a hard construction to make it Felony. But if a Smith or other person (having skill onely in dressing or curing the diseases of horses or other Cattell) shall take upon him the cutting, or letting blood, or such like cure of a man, who dyeth thereof, this seemeth to be felony, for the rule is, *Quod quisque novit in hoc se exerceat.*

16. Two playing at Tables fall out in their game, and the one killeth the other with a dagger suddenly, this was holden murder in one Emeryes case, before Bromley at the Assizes in Cheshire about 27. El. as Maister Crompton reporteth. Crompt. 23.

17. The husband upon words betweene him and his wife, suddenly stroke his wife with a Pestell, whereon she dyed, and it was adjudged murder at the Assizes at Stafford before Wamesly. 43. Eliz. Crompt. 35.

18. A. hath wounded B. in fight, and after they meete suddenly and fight againe, and B. killeth A. this seemeth murder, and malice shall be intended in B. upon the former hurt, but now if A. had killed B. this seemeth but Manslaughter in A. for his former malice shall be

thought to be appeased by the hurt he first did to B. unlesse A. gave the first assault, but if A. made the first assault without any new provocation that shall be intended to be in pursuit of the former malice, and then it shall be adjudged murder, so if two are in suite and they meet suddenly and quarrell about the suite, and the defendant killeth the plaintiffe, this seemeth to be but Manslaughter and not murder.

19. Also wilfull killing of another, by poison was and is murder, by the common Law, See *Stamf. 21. & Br. Indictment. 41.*

Plo. 474.

20. The husband gave a poysoned Apple to his wife to the intent to kill her, and she not knowing of it gave it to her childe, who dyed thereof, this is murder in the husband, and yet he loved that childe dearly: and so had it beene if a stranger of his owne accord had after eaten thereof and dyed thereof, for the putting of poison into the apple &c. upon an evill and felonious intent, maketh it murder, whosoever be killed thereby.

Co. 9. 51.

Co. 4. 46.

21. A. bringeth drinke that was poysoned (knowing of it) to B. who advised B. to drinke of it, telling him it would doe him much good, by reason of which perswasion, B. drunke of it (in the absence of A.) and dyed thereof, this was adjudged murder in A.

Crompt. 30.

Co. 9. 51.

22. If one giveth corrupt victuall to another to the intent to poison him, and he dyeth thereof within the yeare and day, this is murder. But if a man shall prepare Rats bane, &c. to kill Rats and shall lay this in certaine places to that purpose, without any evill intent, and another man finds and eates this, and dyeth thereof, yet this is no felony; for by the common Law there cannot be a felony without a felonious intent.

Plo. 100.

23. The master upon malice precedent, goeth to kill another and taketh his servants with him (but they know nothing of their maisters intent) and the master and his servants doe meet the other, and doe assault and kill him, this is murder in the maister, and but manslaughter in the servants.

Plo. 474.

24. Note that when a man hath malice to one, and intending and endeavouring to kill him, he killeth another man, this is murder whomsoever he killeth, vide *Plo. 101. Dyer 128. Fitz. Coron. 262. Stamf. 16.* for his intent was to doe murder.

*F. Cor. 262.
Dyer. 128.*

25. If two fight upon malice prepensed, and in their fight a stranger (that would part them) is killed, this is murder in them both, if it may not be proved which of them did kill him.

Plo. 474.

26. A man upon malice shooteth at one, or lyeth in waite to kill one, and killeth another unwittingly, in both these cases it is murder.

27. Note also that in all cases where a man commeth or goeth about to doe any thing unlawfully, as to kill, beate or disceise another, or to doe any other Trespasse, and in doing this, he killeth any man, this is murder, See *Crompt. 24. B.*

Crompt. 24.

28. One stealing Peares in another mans Orchard, and the owner came

came and rebuked him, and the other killed him, this was adjudged murder. *4. Maria.*

29. Also where a man commandeth another to beate A. and he beate him, so as A. dyeth thereof, this is murder in him that gave this commandement to beate him, for that he commanded him to doe an unlawfull Act, by reason whereof, the killing of a man ensued. *Pl. 474. Exoro. 314.*

30. Note also that if diverse persons come in one company to doe any unlawfull thing, as to kill, robbe, or beate a man, or to commit any Riot, or Affray, or to doe any other Trespasse, and one of them in doing thereof killeth a man, this shall be adjudged murder in them all that are present of that party, although they did but looke on, &c. *See Stamf. 40. Fitz. Indictment 22.* Nay if they be not present, yet if they be in the same house, or upon the same ground, it is murder in them all. *See the Lord Dacres case. Crom. 25.* *Br. Cor. 272. F. Cor. 310. Co. 11.5.*

31. Note also that all that are present, aiding, abetting, or comforting to another to doe murder, are principall murderers, although they shall give never a stroke, *See mare 4. H. 7. 18. 13. H. 7. 10. Fitz. Coron. 309. Co. 9. 67. 112. & 115.* *Plow. 1004*

32. As if A. and B. fall out and appoint the field, and they meet accordingly each of them bringing company with them, A. killeth B. this is murder in all those that came with A.

33. Note also that in case of murder, it is not materiall who giveth the first blow; for if he that is slaine gave the first blow, yet if there were malice prepensed in the other, it is murder in him that killeth him.

34. Also in case of poysoning, the party poysoned must dye thereof within a yeare and a day after the poyson received, or else it is not felony, Also if a man doe beat or hurt another, whereof he dyeth, to make it murder or other homicide, the party hurt must dye within a yeare and a day next after the hurt done or stroke given. But to have an appeale it shall have relation to the death and not to the stroke, so as the appeale must be brought within the yeare after the death and not after the stroke. *Coron. 303. Ca. 4. 12.*

35. Note also in murder or other homicide the party killed must be in esse (*sc. in rerum natura*) For if a man hurteth a woman with child whereby he killeth the Infant in his mothers wombe by our Law, this is no felony, neither shall he forfeit any thing for such offence, and whether upon a blow or hurt given to a woman with child, the child dye within her body or shortly after her delivery, it maketh no difference, yet Maister *Bracton* tooke it to be homicide, if the blow were given *postquam puerperium animatum fuerit*. But if the mother of the child dye within a yeare and a day after such hurt done to her, and upon that hurt, this is felony. *7 Cor. 261. Stamf. 1. ca. 11. See Exo. 11. 21. 22. it was death by the Law of God. Br. Coron. 68. 91.*

36. In cases of murder or poysoning, the offenders shall not have the benefit of Clergie, for that these offences are Treason in Ireland, and likewise for witchcraft the offender shall not have Clergie. *18 El. ca. 12. in Ireland.*

37. Note

37. Note also that by the Law of God no recompence was to be taken for the life of a murderer. *Numb. 35. 31.*

13. R. 2. c. 1.
P. Pardon. 3.
Flo. 501.

See the 2. stat.
13. R. 2. c. 1.

38. And by diverse old statutes, no Charter of pardon ought to be granted to any person in case of murder, or other homicide, save onely where a man killeth another in his owne defence or by misfortune, *See P. pardon. 1. See all the statutes of 6. Ed. 1. c. 9. 2. E. 3. ca. 2. 4. E. 3. c. 13. & 14. E. 3. c. 15.* And by our Law at this day a pardon of all felonies will not discharge murder, except the pardon be with a *Non obstante* or that murder be expressly mentioned in the pardon. Neither will a pardon of all felonies discharge a man that is attainted of felony, except also the attainder and the execution be pardoned. *See 9. Ed. 4. 29. Co. 6. 13. b.*

1. H. 7. f. 7.

27. H. 8. 35.
R. 1. c. 17.

39. Note that he which hath a pardon for felony, if he hath not found sureties for the good behaviour, or if afterwards during his life, he shall breake the peace, such pardon shall be holden for none, but that he may be hanged, notwithstanding his pardon, for by the pardon, the offence, *regitur non tollitur*, *See the statute 10. Ed. 3. ca. 3. P. Pardon. 5. & 3. H. 7. 7.* where one was executed upon this statute, for making an Affray after his pardon. *Br. Coron. 134.*

40. None have authority to pardon any Treason, murder, or other felony, or accessory to the same save onely the King, it being one of his royall prerogatives.

Manslaughter. CHAP. 12.

1. **M**anslaughter, in the right signification thereof, implyeth all manner of homicide and is the generall, as well to murder as to the rest, Neverthelesse for that in common speech it is restrained to Manslaughter by Chancemedley alone, in that sence I will here write of it.

2. Manslaughter, otherwise called Chancemedley, is when two doe fight together upon the sudden, and by meere chance without any malice precedent, and one of them doth kill the other, this also is felony of death. And yet in case of manslaughter the offendour shall have the benefit of Clergy, and by the Law of God there was a City of refuge appointed for such to flie unto. *Exod. 21. 13. Dent. 19. 3. 4.*

Crompt. 36.

3. Two fall out upon the sudden and fight, and the one breaketh his weapon, and a stranger standing by (yet being none of their company) lendeth him a weapon, and therewith he killeth the other, this is Manslaughter as well in him that killed the other as in the stranger who lent him his weapon.

Stamf. 16. a.

4. A. and B. fall out upon the sudden, and fight, and A. is so fierce that he runneth upon the others weapon and is flaine, yet this seemeth manslaughter in B. unlesse he were flying from A. for he should have fled

fled to some wall or strait, or at least, so farre as he might without danger of his life, but if B. had fled to a wall, or so farre as he might, and A. pursueth him, and B. perceiving that he would assault him, holdeth his weapon betweene them, and A. runneth upon the weapon and is slaine, this is homicide in his owne defence, and for which B. shall forfeit onely his goods.

5. Two combate together upon the sudden, and part, and presently after meeete and fight againe, and the one killeth the other, or the one presently fetcheth a weapon, and commeth and killeth the other, these seeme but manslaughter, for that it is done all in one continuing fury, which was at the first without malice, and could not in so short a time be appeased, or asswaged, *Crompt. 23. b. 24. A. 26. A. B.*

6. So if two have borne malice the one to the other and be reconciled, and after meeting againe, they fall out upon new occasion and by agreement immediately they go into the field and fight, and the one killeth the other, this is but manslaughter (*causa qua supra*) unlesse the respite or distance of time or place had beene such that by reasonable conjecture their heate might be asswaged.

*What persons may be charged with homicide,
and what not. CHAP. 13.*

1. **I**F one that is *Non compos mentis*, or an Ideot, kill a man, this is no felony; for they have no knowledge of good and evill, nor can have a felonious intent, nor a will or mind to doe harme, And no felony or murder can be committed without a felonious intent and purpose. For it is called *felonia, quia fieri debet felleo animo. Co. 4. 124. b.* *Non compos mentis, Fitz. N. Br. 302. 11. H. 7. 33. Blou. 19. Co. 4. 124.*

2. So it is if a Lunatique person killeth another during his lunacy (*Coke 4. 125.*) for all Acts done by him in lunacye are as the Acts of an Ideot.

3. Now there be three sorts of persons accounted, *Non compos mentis*, to this purpose, and the like.

1. A foole naturall, who is so, (*a nativitate*) from his birth, and in such a one there is no hope of recovery. *Co. 4. 124.*

2. He who was once of sound and good memory, and after (by sickness, hurt, or other accident, or visitation of God) loseth his memorie.

3. A lunatique, *qui gaudet lucidis intervallis*, and sometimes is of good understanding and memorie, and sometimes is *Non compos mentis*.

4. An Infant of eight yeares of age, or above, may commit homicide, and shall be hanged for it, *viz.* If it may appeare (by hiding of the person slaine, by excusing it, or by any other Act) that he had knowledge of good and evill, and of the perill and danger of that offence, *Infants.*

offence. See 3. H. 7. i. & 12. Stamf. 27. Fitz Coron. 118. 126. & Br. Coron. 133. 136. But an Infant of such tender yeares, as that hee hath no discretion or intelligence, if hee kill a man, this is no felony in him. 3. H. 7. i. b.

26. Aff. p. 17.

Br. Coron. 101.

F. Coron. 193.

Stamf. 16.

5. If one that is onely dumbe killeth a man, it is felony, yet he cannot be arraigned, but shall continue still in prison.

6. A man borne deafe and dumbe killeth another, that is no felony, for he cannot know whether he did evill or no, neither can he have a felonious intent.

Flo. 19.

Co. 4. 135.

7. Note in these former cases of homicide committed by persons being *Non compos mentis*, or wanting discretion such things happen, by an involuntarie ignorance, and therefore the law accounteth such Act of theirs to be no felony, But if a man that is drunke, killeth another, that is felony, for it is a voluntary ignorance in him, in as much as such ignorance commeth to him by his owne Act and follic.

Homicide by misadventure. CHAP. 14.

Misadventure.

1. **H**OMICIDE by misadventure or misfortune, is when any person doing any lawfull thing, without any evill intent happeneth to kill a man, by the law of God there was a Citie of refuge appointed for such persons to flye unto, *Numb. 35. 15. & 22. 10. 20. 3.* And by our law now, this is no felony of death, for he shall have his pardon of course for his life and lands, but yet hee shall forfeit his goods, in regard that a subject is killed by his meanes. See *Stamf. 16. 4. b. Fitz. Coron. 89. 302. 354.* As if a Schoole-master, in reasonable manner beating his scholler for correction only, or a man correcting his child, or servant in reasonable manner, and the scholler, childe or servant happen to dye thereof, this is homicide by misadventure.

See Exod. 21.

20. 21.

Stamf. 12. c.

31. H. 7. 29.

6. E. 4. 7.

Br. Coron. 59.

6. Ed. 4. 7.

F. Coron. 398.

Flow. 19.

2. So if a man shooting at Buts, prickes, or other lawfull marke, and by the shaking of his hand or otherwise against his will hee killeth one that standeth by. Or if a Carpenter, Mason or other person doth throw or let fall a stone, Tile or peice of Timber from an house, or wood, or othen thing from a Cart, &c. (and giveth warning thereof) and another is killed thereby against his will. Or if a labourer that is falling or cropping of a Tree, and the same or part thereof falleth and killeth a man. Or if the head of his hatchet or other toole falleth from him and hapneth to kill one standing by. Or if a man be (in due and convenient time) doing any other lawfull thing, that may breed danger to such as passe by and shall give warning thereof, so that such as passe by may heare and flie the perill, and yet another passing that way shall be killed therewith. Or if men shall run at Tile, Iust or fight at Barriers together by the Kings commandement, and

31. H. 7. 31.

See Br. Coron.

319. contra,

one

one of them doth kill another, In these former cases and the like it is, homicide by misadventure, and no felony of death.

3. And yet in cases of misadventure, as also where one killeth another, *Se defendendo* by the common Law, these offences were felony of death and the offendour should have dyed for the same. But now by statute such offenders are to have pardon for their life and lands, yet their goods remaine forfeit as before (at the common Law) *See the stat. 6. E. 1. c. 9. & 2. E. 3. c. 2.*

4. Also in these cases of misadventure, and in the former cases of homicide committed by Infants, and other persons being *Non compos mentis*, And also where one killeth another in defence of his person the ancient course was that they shall be discharged in this manner, *sc.* if they desire to purchase their pardon, they must upon their tryall plead not guilty (and shall give in Evidence the speciall matter) and then this speciall matter being found by verdict they shall be bailed, and then they must sue forth a *Certiorari* to have this record certified to the Lord Chancellor who thereupon shall make them a Charter of pardon of course under the great seale, without speaking or suing to the King for it, *See Stamf. 15. 1.* But now the usuall course is that without any *Certiorari* the Iustices of gaole delivery make a Certificate to the Lord Chancellor and thereupon the pardon is granted of course and in the case of Infants and *Non compos mentis* the Iudges receive a verdict of not guilty, in which case there needeth no pardon neither is there any forfeiture of goods.

5. But if a man be doing of an unlawfull Act, though without any evill intent, and he hapneth by chance to kill a man this is felony *viz.* Man slaughter at the least, if not murder in regard the thing he was doing was unlawfull. As shooting of Arrowes, or casting of stones into the high-way, or other place whither men doe usually resort, So of fighting at Barriers, or running at Tilt or Iusts without the Kings commandement, whereby a man is slaine, And although it were by the Kings commandement yet it was holden felony by the Iustices *Tempore. H. 8.*

6. Playing at hand-sword, Bucklers, foot-ball, wrastring and the like, whereby one of them receiveth a hurt and dyeth thereof within the yeare and day, in these cases some are of opinion, that this is felony of death, some others are of opinion that this is no felony of death, but that they shall have their pardon of course, as for misadventure, for that such their play was by consent, and againe there was neither former nor present intent to doe hurt, nor any former malice but done onely for disport and tryall of manhood and this seemeth to be the better opinion.

7. A man casteth a stone at a Bird, or beast, and another man passing by is slaine therewith, this is but manslaughter by misadventure; And the opinion of *Fineux* chiefe Iustice in 11. H. 7. fol. 23. is that if a

21. E. 3. 17.
Br. Cor. 40.

Fitzh. 246. c. 8.
2. 8. b. Br. Cor. 1.
cc stat. 6.

E. 9.
4. H. 7. f. 2. 2.
Regi. fo. 109.

Vnlawfull Act.

Stamf. 6. c.

Stamf. 12. c.

Br. Cor. 219.

11 H. 7. 21.
Crom. 16. b.
& 19. A.

Fitz Coron. 307
& 314.

See Numb.
35.23.
Br. Cor. 229.

Stamf. 12. c.
16. c.

casuall death.

man cast a stone over a house and killeth a man, this is no felony of death but misadventure, but this is to be understood where there was no intention of hurt to any by casting thereof, likewise some hold that to cast a stone for pleasure, and not in lawfull labour, whereby one is slaine, is felony of death, and so was the opinion of Maister *Bracton* and Maister *Stamford*, but I cannot conceive it to be any other then by misadventure when it is not done *felleo animo*.

8. Also a man may be slaine by other casualty than by the hands or meanes of another man, as by the fall of a house, or tree, &c. upon him, or be killed by a Bull, Beare, or other beast, &c. or be killed by some fall which he himselfe taketh; And in these and the like cases observe these rules.

1. First, if a man be slaine in any such manner, yet if it be by the meanes or procurement, or wilfull default of another man, this shall be felony in the party procuring or causing it.

2. The thing which is the cause of such casuall death shall be forfeit to the King as a Deodand, and distributed in Almes by the Kings Almoner, but the Almoner hath no interest as it seemeth in such goods, but hath onely the disposition of the Kings Almes, *durante bene placito*, so that the King may grant them to any other, See Co. 1. 50. Dyer. 77.

Flo. 360.

3. The forfeiture shall have relation from the stroke given, so as the party or owner selling thereof (*sc.* of such things as was cause of such death) after the stroke given, taketh not away the Kings right, but that he shall have it as forfeited notwithstanding such sale.

Co. 5. 110.

4. Deodands are not forfeited, untill the matter be found of record, and therefore they cannot be clayméd by prescription.

Co. 5. 120.
F. Cor. 398.
Stamf. 21.

5. The Iury which finde the death of the man must also finde and appraise the Deodand, and the same shall be levied of the Towne where it happeneth, although it were not committed to the Towne to keepe, and therefore it behoveth the Towne to see it forth coming. See the statute *de officio Coronatoris* 4. Ed. 1.

F. Cor. 399.
Stamf. 21.

6. If he that is so slaine be under 14. yeares of age nothing shall be forfeit to the King as Deodand for him by some opinions, but I cannot conceive those opinions to be Law.

P. indictment
37.
Stamf. 21.

7. And if a man that is unknowne be found dead in the field, his apparell and money about him shall be given to the poore, &c. And if he were knowne, then his goods shall be delivered to his executors or administrators, or to the ordinary but shall not be taken as a Deodand, in either case (for they are not of the nature of a Deodand they being no cause of his death).

Dyer. 77.
Co. 5. 110.

8. Next what shall be forfeited and taken for a Deodand. The old rule is, *Omnia quæ movent ad mortem, sunt Deodanda*; And yet Deodands may be of some things that a man shall move or fall from, though the thing it selfe moves not, as to fall from a ship, Cart, Mow
of

Deodand quid.

of Corne, or Hay, &c. So as Deodands are any goods which doe cause or are occasion of the death of a man by misadventure. See Fitz. Coron. 314. 326. 341. 342. 348. 388. 389. 398. 401. 409.

9. If a man killeth another with my sword (or other weapon of mine) my weapon shall be forfeited as a Deodand. Doct. & Student, fo. 156. B.

10. The inquiry of such casuall death belongeth also to the Coroner, but if the Coroner cannot have the sight of the body and so cannot inquire thereof, it seemeth the King shall be intituled to the goods by a presentment at the quarter Sessions, or at the generall Assizes, or in the Kings Bench, or else the King may be defrauded.

Homicide upon necessitie. CHAP. 15.

1. Sometimes the Iustice of Law commandeth a man to be put to death, As when the Iudge hath pronounced sentence of death against an offendour (attainted by due course of Law) there (in execution of Iustice) an officer, or other person thereto lawfully deputed may orderly execute such judgement or sentence according to his warrant, and such sentence or judgement pronounced by the Iudge, and after lawfully executed by the officer, leaveth the name and nature of murder, or homicide, and is called justice or rather judgement, which is the lawfull execution of Iustice. But if the officer or other person shall proceede therein upon his owne authority without warrant, or *ordine juris non observato*, as where an offendour hath judgement given upon him to be hanged, if the Sheriffe, or other officer, &c. shall behead him or by other meanes put him to death, it is felony in such officer, &c.

Stan f.
See Doc
Student
fo. 133

2. Also if a stranger, being not thereto lawfully deputed shall (upon his owne authority) put to death an offender that is condemned to dye, this is felony; Nay if the Iudge himselfe who gave the judgement of death upon an offender shall after put the same offender to death, it is not justifiable by him.

Stamf. 13

3. Sometimes also the Iustice of Law tollerateth and suffereth a man to be slaine *sc.* for the necessary execution and advancement of justice, which otherwise should be left undone. And in such case the Law of the land imputeth it not as any fault to him that shall so kill a man, but freely dischargeth him thereof without the K. pardon.

Tollerated

As a Sheriffe, Bailiffe, or any other person who hath a lawfull warrant to arrest a man indicted of felony or Treason may well justifie the killing of him, if he will not suffer himselfe to be arrested, and yeild himselfe, and that they cannot otherwise take him. And so every person whatsoever without any warrant may apprehend a felon or a Traitor upon huy and cry or otherwise, and if he will not yeild to be arrested, but shall resist or flie, the pursuer may kill him without blame.

F. Cor. 261.
Stamf. 13.

F. Cor. 261.
Stamf. 13.

4. Herewith also agreeth the Doctor and Student, *lib. 2. cap. 41.* saying. If any person that is no Officer, would arrest a man that is outlawed, abjured or attainted of Murder, or of any other felony, and such offend or shall disobey the arrest and by reason of that disobedience he is slaine, the other shall not be impeached for his death, For it is lawfull unto every man to arrest and take such persons, and to bring them forth that they may be ordered according to the Law.

F. Cor. 388.
& 328.

5. An offender in felony or Treason is led towards the Gaole and breaketh away from those that conduct him and maketh resistance or flyeth, his conductors may justifie to kill him, if they cannot otherwise take him againe.

22. Aff. 55.

6. A prisoner in the gaole attempteth to escape, and having broken his Irons, striketh the Gaoler (comming in the night to see his prisoners) and the Gaoler slayeth such a prisoner, this is no felony.

Cromp. 23.
30. & 158.

7. Riotters and such as shall make any forcible Entrie or deteyner, against the statutes, if they shall resist the Iustices of peace, or other the Kings officers, or shall not yeild themselves, but shall stand at their defence, when the Iustice of peace or other Officer shall come to arrest or remove them, if any of them happen to be slaine, this is no felony in the Iustice of peace, or officer, or in any of their company that killeth such Riotters, &c.

Cromp. 14. 30.

Doff. & Stu-
den. 133.

Stamf. 13. c.
f. g.

8. The Sheriffe, or his Bailiffe, or other officer commeth (by vertue of the Kings proccesse) to arrest another for debt, or trespass who maketh resistance, and thereupon is slaine by such officer, or any of his company, this hath been taken to be no felony.

9. But in all these former cases, there must be an inevitable necessity, *sc.* that the offender could not be taken, &c. without killing of him.

37. H. 6. 21.

10. Also in an Appeale of felonie, if the Appellant and Appellee doe joyn to try it by battell, and therein the one doth kill the other, as the law doth allow such tryall, so doth it allow the Event to bee justifiable as depending upon the judgement of God, who giveth victory according to truth.

Se defendendo
tollerated.

11. Also when one man killeth another in the necessarie defence of himselfe, or his, thereby to deliver himselfe, his possessions, or his goods, or some other persons, which he is bound to defend from perill, and which cannot otherwise escape, this is homicide tollerated upon necessitie.

24. H. 8. 50
P. Forf. 1.
Coro. 103. &
105.

Co. 5. 91. &
11. 81.
Exod. 22. 2.

12. As to kill an offender, which shall attempt feloniously to murder or rob me in my dwelling house, or in or neere any high way, horse-way, or foot-way, or that shall attempt Burglariously to breake my dwelling house in the night, this is justifiable by my selfe, or by any of my servants or company. And this being so found by verdict upon triall, we shall be all discharged without losse of life, lands, or goods, or pardon; For to kill a Theefe or murderer in the defence

defence of my person, my house or goods, is no felony, but justifiable by the common Law, *Stamf. f. 14. See Co. 5. 91. & 11. 82. B7. F. Coron. 261. 305, & 330. Coron. 100. 102.*

13. And if one or more come to burne my house, I or any of my servants, may justifie to shoot forth of my house at them, and to kill them, for such intent of theirs is felonious. But if a man shall forcibly get, and keepe possession of a house, they within cannot justifie to shoot and kill him that was so put out, or any of his Company, for that they in the house were there unlawfully. *See Cramp. 26. B.* Prohibited.

14. If one commeth (in the day time or in the night) to enter into my house, pretending title thereto, and to put me out of my possession, and I kill him, this seemeth to be manslaughter in me.

15. If one commeth in the day time to my house to beat me, and doth make an assault upon me in my house and fighteth with me, and I kill him in defence of my person, yet in this case I shall forfeite my goods and must have the K. pardon of course, except it be found that the assaillant came with a felonious intent to kill or rob mee. F. Coron. 305. Co. 5. 91.

16. Note if one kill a true man, in defence of his person there ought to be so great a necessity, that it must be esteemed to be inevitable, or otherwise it will not excuse, and therefore he that shall be assaulted by a true man, must first flee as far as he can, and till he be letted by some wall, hedge, ditch, presse of people, or other impediment so as he can flee no further without danger of his life, or of being wounded, or maimed: and yet in such case if he kill the other, he shall be committed till the time of his tryall, and must then get his pardon for his life and lands (which pardon notwithstanding he shall have of course) yet he shall loose and forfeite his goods, and Chattels; for the great regard which the Law hath of a mans life. *Co. 5. 91. b.* Stamf. 13. 2. Co. 5. 91. 4. H. 7. 2.

17. A. maketh an Affray upon B. and striketh B. and B. flyeth so farre as he can for saving his life, before any stroke given by B. and A. continueth his assault, whereupon B. doth also strike A. and killeth him, this is homicide in his owne defence: otherwise it seemeth to some if B. had stroken the first blow, or had stroken before he had fled: and yet by other good opinions, the first stroke or who began the Affray is not materiall, but the whole matter will consist upon the inevitable necessitie, *sc.* whether the said B. who killed A. could not have escaped with his life, &c. without killing A. for otherwise it will not excuse B. for *cuncta prius tentanda*. And as it is a charitable, so it is a safe principle (in these cases) not to trie an extremitie, till thou hast tryed all other meanes. And by *Stamf. fo. 15.* It is holden in the former case, if B. (before he had fled) had striken A. and given him diverse wounds, that yet if he flee to a straight before hee give A. the mortall wound, and then he giveth his deaths wound, this is homicide in his owne defence. 6. H. 1. c. 9. P. Pardon 1. Stamf. 13. F. Coron. 264. & 286. 287. Stamf. 15.

18. But in the former case if B. upon malice prepensed had first stroken

F. Cor. 387.
Cromp. 37.
28. b.

stroken A. and then B. flyeth to a strait or wall, and A. pursueth him, and striketh him, and B. killeth A. thereupon, this is murder in B. for the malice prepenſed was the ground and beginner hereof, yet if there had been former malice betweene A. and B. and they meet suddenly and A. assaulteth B. and B. before any stroke by him given flyeth so farre as he can, and A. pursueth him, and then B. killeth A. this seemeth to be homicide in his owne defence, notwithstanding the former malice.

15. El.
Cromp. 37.

19. *Copstones* case, There was malice between *Copstone* and one S. and they had fought divers times, and after met suddenly in London, and C. told S. that he would fight with him, and S. answered that he had nothing to say unto him, and S. went to the wall and after C. assaulted S. and then S. stroke and killed C. and it was found that C. began the Affray, and S. was thereupon discharged without forfeiting any thing. But that was by force of the statute. 24. H. 8. cap. 5. which is not in force in Ireland, and therefore as the Law is in Ireland *Copstone* should have forfeited his goods and have had his pardon of course.

Stamf. 146

Co. 9. 98.

20. Also if a Theife assaults mee to rob, or kill mee, I am not bound to flie to a wall, &c. as I must in case a true man assaults mee, and so if an officer of Iustice, or Minister of the Law, in the execution of his office, be assaulted, he is not bound to fly to a wall, &c. as other subjects are.

21. H. 7. 19.

21. Also the servant may justifie the killing of another in defence of his masters person, or house, if the hurt cannot be otherwise avoided. *Br. Cor. 63.* Also the servant may justifie the killing of him who robbed and killed his Master, so that it be done presently, and by a statute in Ireland, made in *Anno 28. H. 6. ca. 3.* It is lawfull to kill Theeves found robbing.

22. In the defence of the possession of my goods I may justifie to beat him that shall wrongfully take them from me, but I cannot justifie to kill him, except he be a Theife.

23. So then to kill a true man in defence of my person, in case where there is an inevitable necessity (sc. that I first shall fly so farr as I can for saving my life, &c.) this is no felony of death, &c. But otherwise it is to kill a true man in defence of my house, lands, or goods, that is manslaughter (at least.)

21. Ed. 1.
P. Forrests 4.
Stamf. 13. 14.

Cromp. 36.

24. If any Forreiter, parke-keeper, or warreiner, or any in their company, shall kill an offender in their Forrest, parke, or warren, which (after Huy, and Cry, levied to keepe the peace and to obey the Law) will not yeild themselves, but will flie, or defend themselves by violence, this is no felony, if there were no former malice in such keeper. But if any such keeper by reason of any former malice, will lay to a mans charge, that he came to doe hurt, whereas he did not, neither was found wandring nor offending, and so kill him, this is murder in such keeper.

Burglarie.

Burglarie. CHAP. 16.

1. **B**urglarie is when one or more in the night time doe breake a dwelling house, or a Church, or the walls or gates of a City, or walled Towne, with an intent to doe felony, although he or they carry away nothing, yet it is felony of death. 22. A. 3.
Dalton 231.

2. First for the time, Burglary cannot be committed in the day time, but only in the night, for all indictments of Burglary be *Quod noctantur fregit*. And the night to this purpose, beginneth at the Sun setting, and continueth to the Sun rising; And therefore to breake a house, &c. after the Sun setting, and before it be darke, or after day light in Summer, and before the Sun riseth, is Burglarie. Br. Cor. 185.
Stamf. 30.
Co. 11. 36.

3. Next, for the manner it is holden (by some good opinions) that if a man breake the house to doe felony, and yet entreth not, it is no Burglary, and that the indictment must be *fregit & intravit*, And yet by the opinion of *Shard. 27. Aff. 38.* and by the opinions of Sir *Anthony Browne*, Sir *Edward Montague*, and Sir *Robert Brooke* late chiefe Iustice of the common pleas, and others (as Maister *Crompton* reporteth) if a man doe but attempt or enterprise to breake or enter into a dwelling house by night, to the intent to rob, or kill any person there, though he make no actuall entry there, yet it is a full and compleat Burglary, for if he doe but put in his hand or foot, it is an entrie in Law, although his whole body were not in; Also to put backe the leafe of a window with his dagger, to draw the latch of the doore, to turne but the key being on the Inner side of the doore, or to breake the glasse window and to draw out any goods there with a hooke, &c. or to breake a hole in the wall, and to shoote in thereby at any in the house, in all these cases it is Burglary. Stamf. 30.
Dyer. 99.
Br. Cor. 106.
Crompt. 31.
32. 33.
Dalton pag. 231. & 232.

4. So likewise (the doore being opened by some of the house) if any the attempters shall discharge a dag against any in the house, and in discharging his dag shall hold his hand over the threshold though he set no foot over, this is Burglary: So if upon attempt of Burglary, they within the house shall cast out their money for feare, and the attempters take it away, in all these cases it is Burglary, and yet there is no actuall entrie made, in any of these cases. Dalton ib.

5. But if a Theefe setteth but his foot over the threshold or into any part of the house to commit felony, this much more shall convict him of Burglary.

6. Also one being let downe the Chimney in the night to commit felony, it was adjudged burglary by Sir *Roger Manwood* chiefe Baron, and yet he broke not the house. Crompt. 32.
Dalton ib.

7. So is it to come into a house by the helpe of a key, or suddenly to come into the house by night, the doores being open, and the owner flyeth to his chamber, and the offender is taken shoving at the chamber doore.

8. So

8. So it is likewise if Theeves pretending that they bee robbed, &c. shall come to the Constable, and pray him to make search for the felons, and going with the Constable into a mans house to search they rob the good man of the house, this is Burglary.

21, El.

Dalton ib.

9. In like manner if a servant conspiring with another to rob his master, shall open his masters doore, or window in the night and the other entreth thereat, this is Burglary in the stranger, by the opinion of Sir Roger Manwood, who was an ingenious and learned Iudge, and yet the house was not broken in any of these cases.

10. But if one commeth into a house in the day and there hideth himselfe till night and then stealeth any thing out of the house, or if any that is lodged in a house in the night goeth out of the house, and stealeth some of the goods yet this is no Burglarie but only felony, for that he broke not the house, the first of these two cases was resolved at *Derby, Ass. 32. El. Cromp. 34.*

11. H. 4. 13.

11. Also if diverse come to commit Burglarie, and but one of them entreth and commits it, the rest standing about the house, or not farre of to watch that no helpe shall come, this is Burglary in all that company.

The place.

Co. 4. 40.

12. Now concerning the place, it may be either publique or private, publique as the Church, or walls, or gates, of a City or walled Towne, private as a dwelling house, and here commonly it is no Burglarie, unlesse some person be at that time within the house, And yet if a man hath a dwelling house and he and all his family (upon some occasion) are part of the night out of the house, and in the meane time one commeth and breaketh the house to commit felony, this is Burglary.

Co. 4. 40.

13. So if a man hath two dwelling houses, and sometimes dwelleth at the one, and sometimes at the other, and hath a family or servants in both, and in the night when his servants are out of the house the house is broken by Theeves; this is Burglary adjudged. *38. Eliz.*

Cromp. 33.

14. If one breaketh a chamber in any Inn of Court or Chancery or in any Colledge in a university in the night, to the intent to commit felony there, this is Burglary, although there were no person in the same Chamber, For that Colledges and houses of Court and Chancery be entire houses, whereof such chamber is parcell; so that if any person shall be in any other chamber within the same house or Colledge at the same time it is Burglary.

2. Ed. 6.

Br. Cor. 180.

Lamb. 356.

15. Also the breaking (in the night) of a Stable, Barne, or other out house, adjoining, or neere to the dwelling house, to the intent to steale, is Burglary though he take nothing.

Dalton pag. 293.

16. At Summer Assizes at Cambridge *Anno Domini 1616.* two men were arraigned and condemned for Burglary before Sir James Altham Knight for robbing a Backhouse of Robert Castle Esquire in the night, which Backhouse was some eight or nine yards distant from his dwelling house and only a pale reaching betweene them: so that though

though this offence be not committed in the very body of the dwelling house, but in some other house neere unto it, and being parcell of or belonging to the dwelling house, it is Burglary.

17. But a Booth or Tent in a Faire or market, are not esteemed in Law for dwelling houses, nor the breaking thereof in the night time to be Burglary, although the robbing of them bee made as penall as Burglarie, if the owner, his wife, children or servants were within the same. Co. 11. 37.

18. Lastly, to make it Burglary the purpose and intent for which the offendour commeth, must of necessity be to kill or rob some person, or to commit some other felony, otherwise it is neither burglary nor felonie. And therefore to breake a house in the night to the intent to kill any person therein, it is Burglary, although hee never touch him. 23. Aff. 95.
Stamf. 116.
Co. 11. 31.
13. H. 7. 4.
F. Coro. 267.

So it is, if the purpose were to rob, although the offendour taketh away nothing. F. Cor. 185.
& 264.

19. But if a man breake and enter an house by night of purpose onely to beat a man, that is but trespasse. Stamf. 30.
Co. 11. 31.

20. And if the intent were to commit a Rape, it is Burglary; for Rape by the Common Law was felony, although some doubt have beene made thereof, for it appeareth by Maister Bracton; Glanvill and Stamford, that by the ancient Common Law it was felony, the words of Maister Bracton lib. 2. are thus, *Olim quidem corruptores virginittis & castitatis suspendebantur, &c. modernis tamen temporibus aliter observatur, qui pro corruptione virginis amittuntur membra, &c.* And a litle after *Adelstanus; raptus mulierum ne fiat, defendit tam lex humana, quam divina, Et sic fuit antiquitus observatum, quod si quis obviaverit solam, cum pace dimittat eam, &c. Si autem contra voluntatem suam, &c. jactat eam ad terram, foris facit gratiam suam, &c. Quod si concubuerit cum ea, de vita & membris suis incurrat damnum, &c.* And with this Maister Glanvill also agreeth, fol. 112. Also amongst the lawes of Saint Edmond sometimes King of England, you shall find this law, *Qui cum Nunna, vel sanctimoniali fornicetur, emendetur sicut homicida, a multo fortiori*, then saith Maister Stamford, shall he be punished, if he had ravished her; So as Rape at the first saith Stamford, was grievously punished untill the time of King Edward the first, who seemed to mitigate the paine thereof, by the statute of West. 1. ca. 13. which gave two yeares imprisonment and fyne; but spying the mischiefes ensuing upon the said law, at his next Parliament holden at West. called West. 2. ca. 34. he made the offence of Rape to be felony againe. Stamf. 21. c.
22 & 23.
Felonie.
West. 1. 34.
P. Rap. 1.
Cromp. 39.
See Flo. 19. 21.

21. Note also by Britton, f. 17. it is not Burglary in an Infant under 14. yeares of age, nor in poore persons that upon hunger shall enter a house for victuall under the value of 12. d. Nor in naturall fooles, or other persons that bee *Non compos mentis*, but the case of poore entring for victuall at this day, may as I conceive admit this difference,

difference, that is, where a poore body that is ready to starve with hunger breaketh into a house, and taketh no more than to satisfie his present hunger, for the safeguard of his life, this is neither Burglary nor Felony: for all Lawes, as well the Lawes of God as of men, in many cases are dispenced withall, by unevitable necessity, as appeareth in *Maister Plowdens Commentaries*, fo. 19. but if he that so entreth taketh away more than might suffice to satisfie his hunger for that time, I conceive that he is guilty of Burglary.

Other Felonies by the Common Law, as Burning houses, &c. CHAP. 17.

11. H. 7. 1.
Co. 4. 20.

1. **B**urning of a Barne (which is adjoyning, or neere to a dwelling house) in the night feloniously, is felony by the Common Law.

3. H. 7. 10. 2.
Co. 1. 19.
Stamf. 36.

2. So is it to burne a Barne in the day time, having Corne in it, though it adjoyne not to the dwelling house.

3. Burning of any dwelling house, or other house parcell thereof, willingly and feloniously done, is felony by the Common Law, whether it be done by night or by day.

Stamf. 36.

4. Burning of any other house, or of a stack of Corne feloniously, seemeth also to be felony by the Common Law, for the words of the statute of *West. 1. ca. 15.* (which statute seemeth to be but a rehearsal of the Common Law, *Br. Mainp. 78.*) ordaineth that such as bee taken for burning (generally) feloniously done, be not bailed: and of that opinion seemeth *Maister Britton*, who wrote presently after the making of the same statute to be; *Britton fol. 16. See Stat. Winchester 13. Ed. 1. ca. 1. & 18. Ed. 1. ca. 17.* but all these cases by a statute in Ireland are Treason.

13. H. 8. ca. 1.
in Ireland.

5. If an Indictor (or Juror) in case of Treason or felony shall discover the Kings Councell and his fellowes; it hath been adjudged felony in times past, but as the Law is now taken, it is a misdemeanor onely.

Rescous,
1. H. 7. 6.
Br. Coron.
127 130.
Stamf 31. b.
Escape.
9 H. 4. .
Daltou
pag. 146.
Breaking of
prison.
Stamf. 10. 31.
See the stat.
1. Ed. 2. &
P. prison. 3.

6. Rescuing, or taking away from an officer, any offendour who is attainted, imprisoned, or but arrested for felony, is felony as well in him that made the Rescous as in him that is rescued.

7. Also when a man hath arrested another for felony, and after letteth him goe at liberty, this is a wilfull escape, and shall be adjudged felony in him that did so let him escape; And in case of Treason such escape is Treason. *per Stamf. fo. 32. & 1. H. 6. 6.*

8. Breaking of prison (before the statute *de frangendis prisonam* made 1. Edw. 2.) was felony by the Common Law, for what cause soever he were in prison, yeathough he had beene imprisoned but for a Trespasse: But now that stat. hath changed the common Law therein; so that now if a man be arrested or taken for a Trespasse, and

doe

doe make an escape, or be rescued by a stranger, this is but fineable at this day.

Robberie. CHAP. 18.

1. **T**Heft is the taking away of another mans goods with an intent to steale them against the will, or without the knowledge of him whose goods they are, and this is of two sorts, *videlicet*, Robbery and Larceny, we will first speake of Robbery, and then of Larceny, Robbery (in latine called *Rapina*) is properly the felonious taking of any thing from the person of another against his will, and putting him in feare thereby, and here although the thing taken, be but to the value of an halfe penny, yet it is felony, for which the offender shall suffer death without benefit of Clergy. As if one by the high way assaulteth mee and taketh away my purse, money, or other goods.

Dyer. 224.
Stamf. 17 d.

2. But if a Theefe assaulteth mee to rob mee and bideth mee deliver my purse, but taketh nothing from mee, in regard that I being to good for him, shall apprehend him, or shall levye Hue, and Cry, whereby he is taken, this is taken to be no Robbery, nor felony at this day; And yet the assault only to rob mee hath beene in former times, holden to be felony, as appeareth by the bookes. 27. Aff. pl. 38.

9 Ed. 3. 28.
Stamf. 37.

13. H. 4. 7. 25. Ed. 3. Fitz. Coron. 106. 215.

3. In this former description of robbery, the word taking is largely to be extended against the offender, so that although the Theefe taketh nothing from my person, yet if he assaulteth mee, and upon his assault he threatneth to kill mee; If I deliver him not my purse, and thereupon I cast my purse downe upon the ground, and he taketh it away, this is Robbery.

20. Eff. 2.
Cromp. 34.

4. So if one draweth his sword upon mee and biddeth mee deliver my purse, and I refuse, and after he prayeth mee to give him a penny, and I do so, yet it seemeth this is robbery, for by the assault I was put in feare, and out of that feare I gave him this money to be rid of him.

Cromp. 34.

5. So if a Theefe doe only assault mee to rob mee, and I deliver him my purse with my owne hand; yet this is robbery in regard this fact of mine proceeded from feare, or by his menacing, &c.

Stamf. 70c.

6. So if in flying from the Theefe I cast my purse into a Bush to save it, and the Theefe seeth mee and taketh it away, this is robbery; for in this case had he not put mee in feare, I should not have cast my money from mee.

Cromp. 35.

7. So if one assaults mee to rob mee, and I flying away from him, my hat falleth of, and the Theefe taketh it up, and carrieth it away, this is robbery.

Cromp. 35.

8. So if a Theefe comes and biddeth me deliver my purse (with-

20.El.
Cromp.34.

out drawing any weapon, or other force used) and I deliver him my purse, and he finding but two shillings therein delivereth mee all againe, yet this is Robbery.

44.Ed.3.14.
4.H.4.3.
Stamf.27.f.

9. So if Theeves doe take a man, and by threats compell him to sweare to bring them money, at another time, or else that they will kill him, by force whereof, he bringeth them the money accordingly this is Robbery.

Stamf.27.

10. Also in the former description of Robbery the words from the person, are not so nicely to be construed, that to make up robbery the goods must needs be annexed to the body of the person; For in some cases it may be Robbery notwithstanding the Theefe doth neither take the goods from the person of the owner nor yet assault him; As if in my presence, a felon with a felonious intent taketh away my goods openly against my will, this is robbery though he neither taketh them from my person, nor assaulteth mee, for the losse is the same; and the feare alike as though it had beene from my person.

P.R.131.

11. And if one or more doe with a felonious intent take a horse out of my pasture or drive my Cattell out of my ground I standing by and looking on at the same time, this is robbery, if so be that the felon doth either make an assault upon mee, or doe put mee in feare.

12. Note to make it robbery the person must be put in feare, for if a felon doe take money from mee in the high way, and shall not put me in feare, this is felony but not Robbery. *Cromp.35.P.R.131.*

Dyer.114.

13. And you shall finde a case in my Lord Dyer, how a felon did take money to the value of xl.s. or above, from the person of another, in the high-way. And yet for that he did not put his person in feare by assault and violence, this was holden no robbery and the offender was allowed his Clergie for the same felony. *Anno.5.Eliz.*

Cromp.34.

14. Note also, if two Theeves shall attempt to rob mee, and I flie from them, and one of the Theeves follow mee, and the other cipyng another true man (but out of the sight of his fellow) rides towards him and robbed him, this was adjudged Robbery in both the Theeves, and yet the one was neither in sight, or knowing of this Robbery, but because they both came to rob, and at the same time, this fact committed by the one shall be imputed to the other; Also it was one *Pudseys* case, *28.El.*

Cutpurse.

Cromp.34.35.

15. If one shall cut my purse, or take or pick my purse out of my pocket secretly or privily and fraudulently, it is felony of death but not without benefit of Clergie in Ireland.

16. So if one shall take my money or other goods from my person secretly without my knowledge, or by sleight onely, I neither being made afraide, nor witting of it (if it bee above xij.d. in value) it is felony of death.

16.Eliz.
Cromp.35.

17. A man cutterh my girdle privily, my purse hanging thereat, and the purse and girdle fall to the ground, but he did not take them up

up (for that he was espyed) this is no felony, for that the Theefe never had an actuall possession thereof, levered from my person; But if he had holden the purse in his hand and then cut the girdle, although it had fallen to the ground, and that he tooke it up no more, then had it been felony (if there had been above xij. d. in the purse) for he had it once in his possession: But these secret and privy takings from my person are no robbery for he neither assaulted mee nor put mee in any feare.

Larcenie. CHAP. 19.

1. **L** Arcenie (being fetched from the latine word *Latrocinium*) is properly a fraudulent and felonious taking away of another mans personall goods, in the absence of the owner and without his knowledge.

2. This is of two sorts, Grand Larceny which is felony of death and Pety Larceny which is forfeiture of goods and Chattels, and corporall punishment at the discretion of the Iudges.

3. Grand Larceny, is when the goods stollen be above the value of xij. d. and this is felony of death *sc.* wherein Iudgement of death shall be given upon the offender, except he be saved by his booke. Grand Larceny.

4. And yet if the goods stollen be to the value of ten shillings, if the Iury that passeth upon his arraignment shall finde that the goods did not exceed the value of xij. d. then that offence shall be taken but for Pety Larceny. F. Cor. 45.

5. Pety Larceny is when the goods stollen doe not exceede the value of xij. d. and for this the offender shall be imprisoned for some certaine time, and after shall be whipped, or otherwise punished by the discretion of the Iustices before whom he was arraigned, but it is not felony of death. Pety Larceny.
West. 1. c. 15.
Br. Cor. 34.
& 85.

6. Yet may not the Iustice of peace before whom such an offender shall be brought (out of the Sessions) punish by his discretion the said offender for Pety Larceny and so let him goe, but must commit him to prison or baile him, to the intent he may come to his triall as in case of other felonies, and if upon his triall the Iurie shall finde the goods stollen, to exceede xij. d. in value, the offender shall have Iudgement to dye for the fault.

7. Although Pety Larceny be not punishable by death, yet it is a felonious taking, for the indictment of Pety Larceny must be *felonice cepit*, and he shall forfeite all his goods and Chattels for such a felony, and there is no difference either in the nature of the offence or in the minde of the offender, but only in the value of the thing stollen which maketh the difference of punishment. 29. H. 8. 12.
F. Cor. 218.
Br. Cor. 1. 846
85. & 216.

8. If one shall steale goods to the value of 4. d. at one time and vj. d. at another time, and of iij. d. at another time which together doe F. Cor. 415.
Stamf 14.
Crom. 36. 2.

doe exceede the value of xij.d. and that these severall goods be all stollen from one and the same person, then may they be put together in one Indictment, and the offender, being thereupon arraigned and found guilty, shall have judgement of death.

F. Cor. 440.
Stamf. 24. 1.

9. Again, if two or more together doe steale goods above the value of 12. d. this is felony of death in them all, for the felony in them is severall, though the stealing be joyntly done.

The manner.

10. In Larcenie two things must concur, *scilicet* to take, and to carry away, or remove the thing taken, with a purpose to steale the same, for the indictment must be, *Cepit & asportavit*, or *cepit & abduxit*, and yet in these words, the letter is not so much to be insisted upon, as the meaning, and that for the better suppressing of offendours in this kinde. For although by the Law in Maister *Glanvils* time *à furto omnimodo excusatur, qui initium habuerit sua detentionis, per dominum illius rei*, yet at this day it may be felony, though the offendour take not the thing, but comes first unto it by delivery from the owners owne hand, and so cometh lawfully to the possession. As if a Taverner doe set a peece of plate before his guest to drinke in, and the guest carrieth it away, this is felony, for the Taverner gave him no possession thereof, but onely the use to drinke in it for the time. Or if I deliver goods to a Carrier, or other person, and bargain with him to carry them to a certaine place appointed, if he carrieth them to the place, and then convayeth them away fraudulently, this is felony, for the privity of bailement was determined when they came at the place appointed. So if the Carrier shall take out parcell of the goods, this is felony; and likewise if the Carrier shall carry them to another place, and there breaketh them up, and converteth part, or all, to his owne use, this is felony; but if the Carrier shall sell or give away, or otherwise imbezell the whole, as he received them, this is holden to be no felony, because it was delivered him in the same kinde. *Stamf. 25. a. Cromp. 36. a.*

13. Ed. 4. 9.
Stamf. 25.

11. And yet in this last case there is besides the delivery a bargain and agreement to carry the goods, and the delivery was only to that intent, so that the property of those goods did alwayes remaine in the first owner. But if A. lendeth his horse to B. being a stranger, who rideth quite away with the horse, this is no felony in B. by reason of the delivery. And so did Sir *John Dodderidge* Knight give direction at Cambridge Assises, 1617. upon an Indictment of Felony preferred in such a case.

12. If a Clothier shall deliver any Wooll or Yarne to his Carder, Spinster, or Weaver, &c. to dresse, and they shall convay away, imbezell or sell any part thereof, this seemeth to be no felony, by reason of the delivery.

13. Ed. 4. 9.

13. So if I deliver my goods to another to keepe, and he fraudulently consumeth them, or otherwise converteth them to his owne profit, this is no felony, because of the delivery.

14. And

14. And so (it seemeth) if I deliver mony or goods to A. to deliver to B. and A. flyeth away with them, consumeth them, or converteth them to his owne use, this is no felony by reason of the delivery.

15. If a man delivers money to his servant to keepe, or plate to his Butler, or vessell to his Cooke, or horse to his horse keeper, or Sheepe to his Shepherd, and such servant doth goe away with them, this is felony by the common Law in that servant (for these goods were alwayes in the masters possession, and kept and used by the servant to the masters behoofe) But yet there was much difference of opinions herein, for the clearing whereof (in some part) a statute was in the time of King H. 8. made, whereby it was provided that all and singular servants of the age of Eighteene yeares, other than an Apprentice (which must be understood of such as are bound by Indenture, and by the name of an Apprentice) to whom any money, goods or Chattells, &c. by his or their master or mistresse shall be delivered to keepe of the value of xl. s. or above, if such servant shall goe away with, or shall imbezell, or shall convert to his owne use, any such money goods, or Chattells of the said value, to the intent to steale the same, or to defraud his Master or Mistresse thereof, it shall be felony, but this must be prosecuted within one yeare after the offence.

Servants.

13. E. 4. 10.

3. H. 7. 12.

21. H. 7. 15.

33. H. 8. ca. 5.

in Ireland.

Cromp. 50.

Apprentices
and servants
under the age
of Eighteene
shall be in case
as they were
before the ma-
king of this
statute.

16. And now upon the construction of this stat. diverse new questions and cases have since beene moved. As if a man deliver an obligation to his servant to goe and receive the money thereupon due, and the servant receiveth the money and then goeth away therewith, or doth convert it to his owne use, this is holden to be no felony within the meaning of this statute for the Master did not deliver the money to his servant; So if a man delivers to his servant wares, or cartell to sell at Faire or market, and he selleth them there, and receiveth the money, and then goeth away with the money, or converteth it to his owne use, this is no felony within this statute, for hee had not the money by his masters delivery, neither went hee away with the goods his master delivered him.

Dyer. 5.

Ibid.

Dyer. 5.

17. But if the servant received of his master 20. l. in gold to keep, which he changed into silver, and then ran away with that, this is felony, for that gold and silver are both of the same nature, sc. money.

28. E.

Cromp. 35.

18. And if a man delivers to his servant a horse to ride to market, or money to carry to a Faire, to buy cartell, or other things, or to pay to another man, and the servant goeth away therewith, this was no felony by the common Law, by reason of the delivery thereof to him by his Master, but it seemeth to be felony by this statute, for that he went away with the thing delivered him.

21. H. 7. 15.

19. And if one of my servants doth deliver to another of my servants goods of mine (to the value of 40. s.) and hee doth goe away therewith, or converteth them to his owne use: this

Dyer. 5.

is

is felony within this statute, for this shall be said, my delivery.

5. H. 7. 16.
Br. Property
31.

Cromp. 50.

20. If a man delivers to his servant a piece of Cloth to keepe, and the servant maketh himselfe a garment thereof, and after goeth away therewith, this is felony (within this statute) for that the propertie is not altered, by the making a garment thereof, because the Cloth may be knowne still, Otherwise it is of Barley turned into Mault, or of money melted or turned into a wedge or peece of mettall, or the like, for that in these cases the Barley, or money cannot be knowne againe but are altered in their kind.

Cromp. 50.

21. If any receiver of my rears receiveth x. li. of my Tenants and run away therewith, it is no felony; for the statute is where the master delivereth to keepe.

13. Ed. 4. 9.

22. If a man delivers to his servant, the key of the chamber doore, and the servant taketh away his masters goods in the chamber (above the value of xij. d.) this is felony at the common Law, for the goods were not delivered.

B. Felon. 12.
P. Exec. 50.

23. Another felony there is by the stat. 33. H. 6. c. 1. in the servants that shall take away or spoile the goods of their deceased master, but this felony groweth upon their default of apparance in the K. bench after proclamation, and therefore neither the tryall nor hearing thereof belongeth to the Iustices of peace, because they cannot well take knowledge of such default in the K. Bench.

27. Aff. 391
See Stamf.
26. b.
Br. Cor. 107.

24. The second thing which must concur in Larceny to make it felony is the carrying away of the thing so taken, and yet it is not of necessity that it be cleane carried out of the house, or place where it was, but it sufficeth that it be so farre removed that the evill and felonious intent of the taker may plainly appeare; As if a guest will feloniously take the sheetes or other goods of the In-keepers, out of the chamber where he lodgeth, and then (going to the stable for his horse) is taken with them or they be found in some other Roome of the house, where he had laid them, it is felony in both cases, although the possession of those goods continued in the owner.

25. So is it if one taketh a horse in another mans close with an intent to steale him, and he be apprehended againe before he hath gotten the horse out of the same close, this is felony. Now it is necessary in the next Chapter to declare of what things Larceny may bee committed, and of what not.

Of what things Larceny may be committed, and of what not. CHAP. 20.

1. Note that the felonious taking of any thing, wherein another hath propertie, is felony. 22. H. 6. Br. Coron. 190.

2. And therefore Larcenie may be committed by taking of any the moveable goods of any person, as money, plate, apparell, household-

Moveable
goods.

hold-stuffe, or Corne, hay, Trees or fruit (that are severed from the ground) or the like, the stealing of them is felony.

3. It is also felony to steale my horses, mares, colts, oxen, kync, sheepe, lambes, swine, pigs, hennes or geese, ducks, turkies, peacocks, and other domesticall beasts or birds of tame nature. *18.H.8.2.* Domesticall.

4. It is Felony also to take some things that be of wild nature, as to take yong pigeons which cannot flie, out of another mans Dove-house, so to take yong Hawkes or yong herons out of their nests (or ayries) and breeding in a parke or other severall ground, so to take fishes that be kept in a Trunk or severall pond. Stamf. 15.c.
18.E.4.fo.8.

5. So of old Doves taken in the Dovecoat (in the night time especially) And so it seemeth of any other wild beast or fowle (being of value) and taken within a mans house. BrCor. 39.
21.Aff. 95.
12.H.2.9 b.
16.E.4.7.2.

6. Also it is Felony to take any Swannes that be lawfully marked, though they be at large; For a man hath propertie in such. See *Co. lib. 7. fo. 16. b. 17. a.*

7. Also for Swannes unmarked, if they be domesticall or tame, sc. kept in a moat, or in ponds neere to a dwelling house, and so bee *domui*, or *manui assueta*, to steale such is felony. See *Coke 7. 17. b.*

8. So it seemeth of Swannes unmarked, so long as they keepe within a mans Mannor, or within his private Rivers, or if they happen to escape out of a mans Mannor or private rivers, yet if they shall be pursued and taken, and brought in againe, to steale them is felony. *Co. li. 7. fo. 16. & 18.*

9. But if Swannes that be unmarked, shall be abroad, and shall attaine to their naturall libertie, then the propertie of them is lost, And so long Felony cannot be committed by taking of them.

10. And yet such unmarked and wilde Swans, the Kings officer may seize them (being abroad) for and to the use of the King by his prerogative, they being *volatilia regalia*. Also the King may grant them; And by consequence another man may prescribe to have them within a certaine precinct or place. For it may bee intended to have a lawfull beginning by the Kings grant, *Cok. lib. 7. fol. 16. a. b. & 18. a. b.*

11. Also it is felony to take a tame Deere, which is marked and domesticall (especially if the taker knowes it to be tame, or that it weareth a Bell. 10.E.4.15.
Stamf. 25.c.

12. But by the common law Larceny cannot be committed by taking of savage or wilde beasts, fowles, or fish, found in their wildnesse and abroad, or at large, as Deere, Conies, Hawkes, Doves, Pheasants, Partridges, Herons, Swans unmarked, or fish that are at liberty, &c. for no person can claime property in them.

13. Howbeit by stat. it is made felony to hunt Deere or Conies (after some sort) in a Forrest, parke or warren, or to take a tame beast, or other thing, in a parke, by manner of robbery. See *3. Ed. 1. 20. & 1.H.7. ca. 7.* P. Felon. 24.

P. Felon. 36.

14. Also by statute it is felony to steale, take away or conceale, a Hawke that is reclaimed.

Co. 17. b.

15. But for the better understanding what the Law is, in things that be *fera natura*, observe these differences.

Property.

16. In some things that be *fera natura*, a man hath a right of property, and in some of them a right of priviledge.

17. There be three manner of rights of property, *scil.*

1. *Absolute.* This propertie a man cannot have in any thing which is *fera natura*, but only in such things as are *Domita natura*.

2. *Qualified,* These properties a man may have in things *fera natura*, and to such properties a man may

3. *Possessary,* attaine by two meanes, *scil.*

1. By industrie, and this may be, either by taking them only or making them tame, *scil. mansueta, id est, manui assueta, or domestica, id est, domus assueta*; but in these last a man hath but a qualified property, *scil.* so long as they remaine tame, and so long felony may be committed by stealing of them away, but if they attaine to their naturall liberty, and have not *animum revertendi*, then the property of them is lost.

2. *Ratione impotentia & loci,* As where a man hath yong Goshawkes, or Herons, or the like, which are *fera natura*, and doe breed (or ayrie) in his ground, he hath a possessorie property in them. So as if one takes them when they cannot flie, the owner of the foyle may have an Action of trespassse, *Quare boscum suum fregit, & tres pullos esperuorum suorum, or ardearum suarum, pretii tantum nuper in eodem bosco nidificant, cepit & asportavit.* And to take these away is felony, as is aforesaid. 18. E. 4. fol. 8. Stamf. 25. c.

See Doct. & Student, fo. 10.

18. But when a man hath beasts or fowles (that be savage and in their wildenesse) *ratione privilegii, scil.* by reason of a parke or warren, &c. as Deere, Hares, Conies, Pheasants, or Partridges, or the like, (which be things of warren) he hath no property in them. And therefore in an action *quare parcum or warrennam, &c. fregit & intravit, & 3. damas, lepores, cuniculos, phesiones, perdices, &c. cepit & asportavit*, he shall not say *suos*, for that he hath no property in them, but they belong unto him *Ratione privilegii*, (for his game and pleasure) so long as they remaine in the place priviledged; And if the owner of the Parke dye his heire shall have them, and not his executor or administrator, for that without them, the Parke (which is an inheritance) is not compleat, neither can felony be committed by taking of them.

19. Neither can Larceny be committed by taking of dogges of any kinde, Apes, Parrats, Squirrils, singing Birds, or such like thing (kept

(kept only for pleasure and not for any profit) though they be in the house, and made tame.

20. No not by taking of a blood-hound or mastiffe, although that there is good use of them, and that a man can be said to have a propertie in them, so as an action of Trespasse lyeth for taking them; yet in regard they are things of so base a nature, no felony can bee committed by taking them. Co. 7. 18. 12. H. 8. 3. Br. Trespass. 407.

21. Also it is felony to steale the flesh of any tame or wilde fowle, or beast, that is dead, out of the possession of another man. Stamf. 25. c.

22. So is it to pull the wooll from the sheepes backe, or to kill them, and to take the skin; and leave the body behind. Cromp. 36.

23. But note that in all these cases of felony aforesaid, the thing so taken, or stollen, must exceed the value of 12. d.

24. Also the taking of any reall chattell or thing, is no felony, as if one cuts downe my Tree, or my corne, and carrieth it away, or pulleth and stealeth my Apples hanging on the Tree, and carrieth them away, these are no Felony; for these things be part of my Freehold till they be severed. Things reall. Stamf. 25. c.

25. But if I gather mine Apples, or cut downe a Tree, or Corne of mine owne, then it is felony if another shall carry them away feloniously. Stamf. 25.

26. And if a stranger cuts downe my Tree, or Corne without Title, and another time after fetcheth it away, that will prove no Felony by 12. Aff. P. 32. Br. Coron. 76. Cromp. 36.

27. Also to take lead from of a house, or Church, will not amount to felony, for it is parcell of the house or freehold. Cromp. 37.

28. Also to take away the Evidences of a mans land, or an Indenture of lease, or other writings (be they within or without a Boxe,) it is no felony, because they cannot be valued, and againe, because they concerne inheritance, chattels, reals or things in action. Stamf. 25. 10. Ed. 4. 14. Br. Cor. 155.

29. So to take away an Infant in Ward is no Felony. Stamf. 25.

30. Also the taking and carrying away of such things whereof the owner is unknowne, in some cases is no felony; As the taking away of treasure that was hidden, wreck of the Sea or goods that shall be wayved, or strayed, (before they be lawfully seised, &c.) But the takers away of such treasure that was hidden, wrecke and waife, shall be punished by fine and imprisonment. 22. Aff. p. 99. Br. Coron. 96. Stamf. 25. Br. Cor. 187. 265.

31. And yet where the goods be, *bona cujusdam hominis ignoti*, or *bona cujusdam mortui*, & *ignoti*, or *bona parochianorum*, or the goods of a Church, or Chappell, or the goods of any corporation in the time of vacation, in these cases there be owners of them to some purpose and therefore it is felony to steale such goods. Dyer. 99. & 476. 478. 7. E. 4. 14. 55. Br. indictment 33.

32. One Nottingham digged a dead body out of his grave, and tooke away his winding-sheete, this was holden to be no felony (but punishable as a misdemeanor,) and the offender was adjudged to be whipped for it, this was at Cambridge Summer Assises, Anno 1617. Dalton pag. 244.

7.H.6.43.
3.H.7.18.
Stamf.16.2.

33. Note also that a man may commit felony by taking his owne goods, as if A. doe lend, or deliver goods to B. to keepe, and after A. doth take them away feloniously, or privily and fraudulently (to the intent to charge B. or to recover damages for the same against B. by an action of detinue) this is felony in A. and yet the property of the goods were in him.

Mar.lett.12.
Cromp.37.

34. So it is if I lend my plate, or deliver my goods to another to keepe, and he melteth my plate, or changeth the fashion of my goods, now if I should take that mettall, or those goods feloniously it were felony in mee, because the property is altered by altering of the fashion.

Cromp.37.
P.R.139.

35. A man findeth my purse in the high-way, and being asked thereof, denyeth it, this seemeth to be no felony; for he came not thereby at the first feloniously, but the denyall is a strong evidence that he came by it feloniously, if he cannot clearly prove how he came by it.

36. A man commeth to my wife, or to my servant with a false message, token, or letter made in my name, and thereby getteth my goods, yet this is no felony, but it shall be punished as a falsity and misdemeanor, and the offend or besides a Fine and imprisonment may be bound to the good behaviour by the Common Law.

What persons are chargeable in Larcenie. CHAP. 21.

27.Aff.40.
Stamf.16.

1. **A** Feme covert doth steale goods by the compulsion of her husband, this is no felony in her. *F. Coron. 160.*

Mar.lett.12.

2. But if by the compulsion of her husband, shee committeth murder, this is felony in them both.

27.Aff.40.
See Stamf.
143.c.& 16.37.

3. If a Feme covert doth steale good by the commandement of her husband (without other constraint) this hath beene holden to be felony in her, Master *Bracton* also saith it is felony; For *licet uxor obedire debeat viro, in atrocioribus tamen non est ei obediendum*, but Master *Stamf.* and others seeme to be of another opinion, *Stamf. 26. P.R. 130. Br. Coron. 108.*

F. Cor. 160.

4. If the husband and the wife together doe steale goods, this shall be taken to be the only Act of the husband, and not to be felony in the wife, *Stamf. 26.*

Stamf. 26.

5. But a woman covert, alone by her selfe (the husband not knowing thereof) may commit Larceny and may be either principall, or accessory, as if shee steale another mans goods, or receive the Theefe that stealeth them, or shall receive stolne goods into her house knowing them so to be, or shall locke them up in her Chest, or Chamber, her husband not knowing thereof, and in such case if her husband so soone as he knoweth thereof doe forthwith forsake his house and her company, and maketh his abode elsewhere, he shall

F. Coro. 183.
See Stamf. 26.

not

not be charged for her offence, whereas otherwise the Law will impute the fault to him and not to her: *P.R. 130.*

6. Goods are delivered to the husband to keepe, and his wife stealerh them, it is no felony; Otherwise is it if the husband had delivered them to a stranger and then the wife had taken them feloniously out of the possession of the stranger, this had beene felony in the wife, *Mar. lect. 12.*

7. Also the wife shall not be accounted a Felon for taking or stealing the goods of her husband. And if the wife doe take her husbands goods secretly, and delivers them to a stranger knowing thereof, yet this is no felony in the stranger. *F. Cor. 455. Br. Cor. 142. Stamf. 37.*

8. But if a man doe take away another mans wife with her husbands goods, against the wives will, this is felony by the statute. *Westminster. 2. cap. 34.* as it seemeth, and so if a man takes away another mans wife, with her husbands goods against the husbands will, this is also felony. *Br. Cor. 77. 13. Aff. p. 6. Stamf. 34. 18. E. 3. 31. Cromp. 35. P. R. 130.*

9. And if the husband commits Larceny, and the wife knowing thereof, doe receive or reteine him, &c. shee is not thereby accessory to the felony.

10. If a servant by the compulsion of his Master, stealeth another mans goods, this is felony in them both. *Servant.*

11. An Ideot, Lunaticke, dumbe and deafe person and an Infant are chargeable in Larceny after the same sort, as they are chargeable in homicide, which see here before in manslaughter. And yet if an Infant shall commit Larceny and shall be found guilty thereof before the Ju. of P. it shal not be amisse for them to respit the judgement, and so hath it often beene done by the Iudges, *See Stamf. 27. & 3. H. 7. fo. 1. b. & 12. b. & 35. H. 6. 11. Br. Coverture. 80.* *Ideot. Infant.*

Felonies by escape. CHAP. 22.

1. **B**reaking of prison by one being therein for felony, or by one being a prisoner for felony, is felony by the statute *de frangendo tibus prisonum*, and so it was by the common Law: Now every one who is under arrest for felony is a prisoner, and that aswell without the prison, as within or in the stocks, in the high street, or in the possession of any that hath arrested him, or that hath the keeping of him being arrested for felony; And therefore if any person who is under arrest for felony or suspition thereof, whether he be in the gaole, or out, or but in the stocks, or but in the possession of any that hath arrested him, if he shall make an escape, this is a breaking of prison in such prisoner, and is felony. *1. Ed. 2. P. Felon. 15. 1. Ed. 3. 17. P. R. 147.*

2. Note that there is no difference, whose prison the offender doth breake, whether it be the Kings prison, the Lords of a Franchise or any other persons: And if a stranger doth breake the prison or open *1. Ed. 3. 1. 1. H. 7. 6.*

1. Ed. 1. 17.
Dyer. 99.

open the Stocks, or make a rescous, whereby one imprisoned or arrested for felony escapeth, this is felony both in the prisoner, and in the stranger, although the prisoner was never indicted of the felony.

9. H. 4. 1.
F. Cor. 333.
Stamf. 33. a.

3. By some opinions if a stranger shall disturb the arresting of a felon, it is no felony, except the felon were taken and arrested, and after rescued, yet *Fitz. Inst. P. fo. 114.* saith that such disturbance before arrest, is felony, which I conceive cannot be, for where there is no arrest, there cannot be any escape or rescous, yet nevertheless this disturbance is a misdemeanor punishable by fine and imprisonment.

1. H. 6. 7.

4. If a prisoner be rescued at the gallows, or as he is in going to execution, this is a breaking of prison, and felony.

P. R. 147. 149.
44. Aff. 12.
Br. Esc. 31.
Stamf. 31.

5. If a Gaoler, a Constable, or any other, which hath a prisoner under arrest for felony, or suspicion thereof, voluntarily letteth or suffreth him to goe at liberty, this is felony in the gaoler or him that letteth such prisoner escape, but it is no felony in the prisoner, but if such a prisoner shall escape by the negligence of his keeper, then the felony resteth in the prisoner only and not in the Gaoler, &c.

P. R. 149. 150.
9. H. 4. 1.
Stamf. fo. 32.
& 36.

6. The voluntary letting of a felon escape, which is not arrested for felony, though he knoweth of the felony, yet it is not felony, neither can it be an escape without an arrest, and yet such an offender (being an officer) may for such his negligence or default be indicted and fined, as it seemeth by the words of the Commission, but by *9. H. 4. fo. 1. Br. Escape 43. & F. Coron. p. 76.* he is accessory to the felony.

Dyer. 44. a.

7. Note that a man is alwayes said to be in prison, so long as he is within the sight of the gaoler, or of him that hath him in custodie, though he doth breake away or escape.

Stamf. 33. b.
Br. Esc. 49. f.

8. And if a prisoner shall make an escape (of his owne wrong, and without the consent of the Gaoler, or other person that hath him in custodie) though he escape out of their sight, and into another County, yet if he be taken againe upon fresh suite, before the gaoler, &c. be sued or fined for the escape (though it be seven yeares after) yet this is no escape, as it seemeth, for which the officer shall be charged, for there is no prejudice to the King by the escape, though it be felony in the prisoner, as aforesaid, and a breaking of prison in him. *Co. 3. 44. & 52.* accordeth in case of a prisoner taken in execution that shall make an escape of his owne wrong.

Co. 3. 44.
Stamf. 33. c.

9. If a Gaoler or other officer, &c. shall licente his prisoner to goe abroad, for a time, and to come againe, this is an escape, because the prisoner is found out of the bounds of his prison, though the prisoner returne againe according as he shall be prescribed, and so is it, if the officer shall suffer his prisoner to goe abroad for a time, by baile or baston, this is an escape, yet they are holden in both cases to be but negligent escapes in the officer, and so but fineable, and yet the gaoler and other officers ought to keepe their prisoners *in salva & arcta custodia.*

Fitz. Cor. 343.
& 451.

10. Note that the Sheriffe of every County shall have the keeping

ping of and shall be chargeable and charged with the common gaole and prison of the same County; and of all the prisoners therein; And must put in such Gaolers or keepers for whom he will answer as appeareth by the statute 14.E.3.c.10. which also seemeth to have beene the common Law before, as you may see by the preamble of the statute of 14.E.3. & Co. 4.34. And therefore the high Sheriffe himselfe shall be answerable for an escape of a felon, suffred by his gaoler, and may be indicted for the same. And so the high Sheriffe as he hath an office of great antiquity; and of great trust and authority, for the time: So withall it is a place of great perill and charge; And if the rigour of Law should be laid upon him; then should he have a bad office. But in such cases I have observed the favorable exposition and dealing of the learned and reverend Iudges. First you shall finde in *Sir Ed. Cooke Reports, lib. 9. fol. 98.* that the gaolers who have the actuall possession shall be answerable for escapes if they have wherewith. Also *Popham* chiefe Iustice, did cause one *Staner* (a gaoler at Cambridge) to be indicted, arraigned and hanged for an escape of a felon suffred by him. Co. 4. 338
Co. 9. 98.
Temp. Eliz.

11. Now an escape is of two sorts, voluntary and negligent.

12. Voluntary escape is where one doth arrest, or hath imprisoned another for felony (or other offence) and after letteth him goe at liberty whither he will. Stamf. 12.

13. Negligent escape is when the party arrested or imprisoned doth escape against the will of him that arrested or imprisoned him, and is not freshly pursued and taken againe before he hath lost the sight of him, the penalty thereof seemeth to be only a fine at the discretion of the Iudges or Iustices, yet see *Stamf. 35. K.* a difference of the fine where the prisoner is attainted, where but indicted, and where only taken upon suspition. Stamf. 31.

14. But for voluntary escape, if the arrest or imprisonment were for felony it shall be adjudged felony in him which did voluntarily suffer the prisoner to escape; And if the arrest, &c. were for Treason, it shall be adjudged Treason: And if the arrest or imprisonment were for Trespasse it shall be adjudged Trespasse; And yet see *Fitz. Coron. 248.* Escape non adjudicabitur pro transgressione, And in case of felony there is no difference, whether the felon be arrested by an Officer or by another, See *Br. Coron. 112.* Stamf. 32. 1.
F. Cor. 248.

15. One *Nichols* assaulted *Cholmeley* to rob him and killed him, after *Qu. Eliz.* granted *Nichols* his pardon, But *Cholmeley* his wife having commenced her appeale against *Nichols* he was still detained in prison at the womans suite, after the gaoler suffred *Nich.* voluntarily to goe at large, and so to escape, by the opinion of Master *Plowden* this was felony in the gaoler, although *N.* the prisoner were no felon as to the *Qu.* in regard hee had obtained his pardon. *Plow. 476. b.*

16. A prisoner found guilty of pety Larceny is adjudged to be imprisoned

F. Cor. 430.
& 431.

P. R. 150.

imprisoned by the space of a moneth, for his punishment, and after the moneth he breaketh prison and escapeth, It is holden that the Gaoler shall bee charged with this escape, But if a prisoner shall be discharged (by judgement) paying his fees, if he escape, here the Gaoler is not chargeable, the difference is, the prisoner in the first case was by judgement committed to prison, and in the last case he is adjudged to be acquit of his imprisonment paying, &c. 21. H. 7. 17. a. Br. Escape 16.

11. H. 7. 12.
Pl. 358.
263. & 401.

17. Note that a voluntary escape is no felony, if the Act done were not felony at the time of the escape made; As if A. doe strike B. and hurt him mortally, whereupon the Constables doe arrest A. and after willingly suffer him to escape, and after B. dyeth of that stroke, this escape is no felony either in the Constables, or in the prisoner, yet the Constables shall make a great Fine, yea they shall be fined to the value of there goods (as it seemeth by 11. H. 4. 12. and Stamf. 35. b. because this escape was voluntary.

Cromp. 39.

18. The voluntary suffering him to escape, who hath killed another *Se defendendo*, or by misadventure, or of him that hath committed pety Larceny seemeth not to be felony, for that these offences are no felony of death, but he that suffereth such an escape, shall be fined only. Cromp. 39. but if the prisoner be committed for manslaughter or for felony generally, it seemeth the escape wil be felony, for the Gaoler is not to judge what manner of felony it is.

Stamf 35. b.

19. A man was taken for suspicion of felony, and was delivered to the Constable of C. and after escaped for want of good keeping, and the Constable was therefore taken and arraigned, and pleaded that forasmuch as the felon was not taken with the manner, nor at the suite of the party, nor indicted of felony, therefore it was no escape, &c. And so was the opinion of the Court then in 42. Aff. p. 5. Br. Escape 29. But the contrary was after holden although the prisoner were taken onely upon suspicion. 44. Aff. p. 12. Br. Escape 31. but there it was holden to be but fineable.

3. Ed. 1. c. 4.
P. Escape 2.
Stamf. 35. c.

20. Note also where one is a prisoner by arrest only, and he doth escape there the escape shall be presented before the Iust. of peace or other Iustices having authority to enquire of the escape, before he that suffered the escape shall answer it.

11. H. 7. 7.
Cromp. 40.
P. R. 151. 152.

21. Note also if a man be arrested for felony by the Constable or other person, and after they shall have intelligence that there is no such felony committed, here they may set the party arrested at liberty againe, and they shall not be charged with the escape, for there can be no felon where there is no felony committed.

44. Aff. 12.
Cromp. 40.

22. But if a man be slaine, or that there be any other felony committed, and one is arrested for the same felony, or for suspicion thereof, though he that made the arrest, shall after have intelligence and certaine knowledge that the party arrested is not guilty of that offence, yet he or any other may not set the party so arrested at liberty, for

for now he must not be delivered by any mans discretion; but by course of Law, otherwise it will prove a voluntary escape, and so felony, or at least fineable.

23. If a Justice of peace shall send for a felon out of the Gaole 25. Ed. 3. 19. and shall deliver him without baile, this seemeth to be a voluntary escape, and so felony in the Justice: Otherwise where the Justice erreth, *pro defectu scientiæ*, as to baile one that is not baileable, this is but a negligent escape.

Felonies by statute. CHAP. 23.

1. **B**uggery committed with mankinde, or beast is felony (without Exod. 12. 19. benefit of Clergie) it being a sinne against God, nature, and Levit. 18. 23. the Law.

2. Congregations and confederacies holden by Masons, is felony 10. Caroli in Ireland ca. 20. in the causes thereof, and fineable in the Masons. 3. H. 6. ca. 1.

3. Cutting out of any the Kings subjects tongues; or putting out their Eyes of malice is felony. 5. H. 4. ca. 5. P. Fel. 22. P. Felon. 19. 5. H. 4. ca. 5.

4. Conjuratiō, or Invocation of any evill spirit, for any intent, &c. or to be counselling or ayding thereto, is felony without benefit 28. El. ca. 3. in Ireland. of Clergie. See *Exod. 22. 18.*

5. Also to use or practise Witch-craft, Inchantment, Charme, or Sorcery, whereby any person shall be killed, or to be counselling, or ayding thereto is felony without benefit of Clergy.

6. Also the second time to practise Witch-craft, &c. whereby any chattell, or goods shall be destroyed or impaired, or whereby any person shall be hurt or pined in his body, is felony without benefit of Clergy.

7. Now against these Witches the Iustices of peace may not alwayes expect direct evidence, seeing all their workes are the workes of darkenesse and no witnesses present with them to accuse them; And therefore for their better discoverie, I thought good here to insert certain observations out of the book of discovery of the witches that were arraigned at Lancaster, *Anno Dñi. 1612.* before Sir James Altham, and Sir Edward Bromeley, Iudges of Assise there, which are these following, viz.

1. These witches have ordinarily a familiar or spirit which appeareth to them.

2. Their said familiar hath some bigg, or place, upon their body where he sucketh them.

3. They have often pictures of Clay, or waxe (like a man, &c.) found in their house.

4. If the dead body bleed upon the witches touching it.

5. The testimony of the person hurt, upon his death.

6. The examination and confession of the children or servants of the Witch.

O

7. Their

7. Their owne voluntary confession, which exceeds all other Evidence.

8.H.6.12.
P.Fel.18.

8. Also the Embezeling of any Record or parcell thereof, writ, Returne, Panell, Processe or warrant of Atturney in the Chancery, Exchequer, Kings Bench, Common place, or Treasury (by reason whereof any Iudgement shall be reversed) is felony in the parties, their Counsellors, procurers, or abettors.

2.R.3.fo.10.
Co.11.34.
Sec 8.R.2.ca.4.

9. So the raising of such record is felony (within the said statute of 8.Hen.6.) yet if a Iudge doe imbezell, or raise a Record, this is but misprision in the Iudge. 2.R.3. Br. Coron. 174. & Treason. 31.

10. But it seemeth the Iu. of P. cannot enquire of, nor heare and determine these two last sorts of felonies (*sc.* imbezeling or raising of records) for that these felonies are committed to other Iudges to deale with by the same stat. of 8.H.6. P. Records 4. but what is fit for the Iustice of peace to doe herein; I have before in the chapter of felony declared.

11. Forestalling, or buying any forraigne Marchandises before they come to the Staple, &c. was made felony by the statute 27. Ed. 3. cap. 11. but by 2. R. 2. ca. 2. it was repealed and made punishable againe according to the statute of 25. E. 3. ca. 3. which is by 2. yeares imprisonment, or forfeiture of the value of the thing forestalled.

P.Fel.16.
28.El.ca.4.
in Ireland

12. Forging of evidences, *sc.* of any deed, Charter, obligation, Bill, release, or other writing sealed, or of any Court Roll, or will, or of any acquittance, or to cause or assent to be made any such forged writing, or publishing any such writing knowing the same to be false: The second offence is felony, without benefit of Clergy. But it seemeth also, that the Iu. of P. have not to deale with this, for that they cannot well take notice of the former conviction, See Cok. 9. 118. b.

P.Felon.17.
14.E.3. c.9.10.

13. If a Gaoler (by duress of imprisonment and paine) inforce his prisoner to become an approver (that is an accuser of others as coadjutors with him in felony) this is felony in such gaoler. 14.E.3.10.

34.Ed.1.32.
3 Ed.1.9.
P.Felon.20.

14. Whosoever findeth any hawke that is lost, if he shall not immediately bring the same to the Sheriffe of the same County to be proclaimed, &c. but doth imbezell the Hawke, it is felony.

P.hawkes 2.
v.dc.

15. So is it in him whosoever that taketh up any Hawke and concealeth the same from the owner, or his Faulconer, or that taketh away any Hawke from the owner, or stealeth any Hawke and carrieth it away not observing the foresaid ordinance.

1.H.7.ca.7.
P.Felon.24.

16. Hunting of D. ere, or Conyes in any parke, Forrest, or warren unlawfully in the night time, or with Visors, or other disguisings, if upon examination by a Iu. of P. &c. the offender conceale the offence, or any other offender therein, is felony in such concealor; But if such offender upon his examination, shall confesse the truth then he is but fineable. And if any person, to be arrested for such offence

Dyer.50.

shall

shall disobey the arrest: Or if any person shall make rescous, so that the warrant (of the Lu. of P. & c.) for arresting them be not executed, it is felony. But such hunting and concealement, or resistance where the offenders killed no Deere, &c. seemeth to be no felony, for all the presidents doe runne, *occiderunt & asportaverunt, &c.* See *Lambert. Crompt. & West.*

17. Also it seemeth by the statute of 1. H. 7. ca. 7. that all such hunting disguised, or any other unlawfull hunting in the night time is felony, if the offender be not examined thereof, and confesse the same as abovesaid, *See the stat. 1. H. 7. c. 7. in fine.*

18. If any person shall take a tame beast, or other things in any parke by manner of robbery, it is felony. 3. Ed. 1. 30.
P. Fel. 24.

19. If any person being married, shall marry a second husband or wife, the first being alive, &c. it is felony, except where the husband, or wife have beene absent 7. yeares, and the one not knowing the other to be living within that time, except also persons divorced, &c. by sentence in the Ecclesiasticall Court: And except persons marrying within the age of consent. 10. Carol. ca. 31.
in Ireland.

20. Multiplication of gold, or silver, or to practise that Art is felony. P. Fel. 31.
5. H. 4. ca. 4.

21. Poysoning *sc.* wilfull killing of any person by poyson is wilfull murder in the offenders, their Ayders, abettors, procurers, and Counsellors. *Co. 11. 31.* But the party poysoned must dye thereof within a yeare and a day after the poyson received. 10. Caroli ca. 19.
in Ireland.

22. Purveyors, *sc.* if any Purveyor, Taker, or other person their Deputies, or servants, shall make any purveiance, takings (or prises) for the Kings Majesties house, of any thing above the value of xij. d. without warrant or Commission under the great seale which warrant they shall shew to the parties, before they doe take any thing from them: Or if they shall buy or take any thing in other manner then is contained in their warrant; Or shall take any carriage in other manner then is comprised in their Commission. Or shall carry away any thing above the value of xij. d. and under the value of 40. s. against the owners will without paying for the same presently and according as they can agree with the seller in all these cases it is felony, P. Fel. 25.
P. Puru. 39.
Crompt. 48.
P. Puru. 3. 4.
28. E. 1. ca. 2.
4. E. 3. ca. 4.
36. Ed. 3. 2.
23. H. 6. 2.
P. Felon. 15.
P. Puru. 19.
36. Ed. 3. 5.
Rast. 351.
Crompt. 48.
See the statutes 28. E. 3. ca. 12. 34. E. 3. ca. 3. 36. E. 3. ca. 5. 2. H. 4. ca. 14. & 20. H. 6. ca. 8.

23. Or if such Purveyors shall take any thing being above the value of 40. s. and shall not doe it by the testimony and appraisement of the Constables and foure neighbours sworne (if the purveyor and owner cannot well agree.) And shall not deliver Tales, or Indentures, sealed with his seale, testifying the same. Or shall take more victualls or carriages for the Kings house than he shall deliver to the same house: Or shall take any sheepe with there woolls, betweene Easter and Midsummer at small prises, or more than be sufficient for the Kings house, and to carry them to his owne house and sheare them. 5. Ed. 3. 2.
25. Ed. 3. 1.
36. Ed. 3. 1.
P. Felon. 25.
P. Puru. 17.
10. E. 3. ca. 13.
P. Felon. 25.
P. Puru. 18.
P. Felon. 25.
P. Puru. 9.
35. E. 3. 15.
In every

every of these cases it seemeth to be felony in such Purveyor or their Deputies and servants: And yet a purveyor, or taker, &c. may take victuall, or other thing according to his Commission at reasonable prices to the use of the Kings Majesty, and according to the statutes, although it be against the will of the owner. *Br. Purv. 1.*

Co. 8. 146.

24. But if a purveyor shall take any provision for the Kings house, by force of his Commission; And shall after sell away the same, now his first taking is become tortious, and he punishable as a Trespasser, if not as a felon *ab initio*.

24 Ed. 3. 2.
36 E. 3. 6.
7 R. 2. 8.

25. If any subjects Chator, or other officer, shall take any victualls, Corne, Hay, carriage, or other thing against the owners consent, or doe not pay for it presently, it is felony. *P. Purv. 1. See the stat. 23. H. 6. ca. 14.*

Co. 11. 36.

11. Jac. 1. 3.
in Ireland.

26. Robbing in the day time of any dwelling house, or of any out house, belonging and used to and with any dwelling house (as a Barne or stable, &c.) if it be to the value of 5. s. or above (although no person be therein) or to rob any house by day or by night, any person being therein, and thereby put in feare, or to rob any person in any part of his dwelling place or house, the owner or dweller, his wife, children, or servants therein, or in any other place within the precinct of the same house or dwelling place (sleeping or waking) or to rob any Booth, or Tent, in a faire, or Market, the owner his wife children, or any servant being then within the same (sleeping or waking) every of these offences are now by stat. made felony and as penall as burglary by the losse of the benefit of Clergy. But to breake a house in the day time, although hee hath a felonious intent, yet if he carrieth away nothing, this is no felony, for there must be an actual felony done besides the breaking of the house in the day. And by the report of Master *Dallison*, these statutes shall be straightly construed in favour of life, and according to the bare letter, so that if the Robbery be done by day, and there be in the house but one servant onely, or there be in the house, Booth, or Tent, but a stranger, or sojourner onely, the fact shall not be adjudged an offence against these statutes to take away the benefit of Clergy.

See Co. 11.
31. 32. & 36.
Stamf. 116.

27. If servants imbezell the goods of their deceased master or goe away with their masters goods, *See antea* in the chapter of Larceny, *ca. 19. Sect. 15. & 23.* where this shall be felony.

18. H. 6. 10.
P. Fel 13.
P. Capt. 3.

Co. 6. 17.

28. Souldiers entred of record, and having taken prest mony, or parcell of their wages of their Captaine, if they shall not passe the sea or goe with their Captaine, or being in the Kings service shall depart without licence, it is felony. *See Co. 6. 27.* that this statute of 18. H. 6. 19 is now of litle force; but yet the departure of a souldier without licence is felony by the statute 7. H. 7. 1. which statute is yet in force and perpetuall. *Co. ibid.*

1 Ed. 1. 33.
1 Fel 14.

29. To ravish a woman, where she doth neither consent before nor after, or to ravish any woman with force, though she doe consent after,

after, it is felony, and the offendoar shall have no benefit of Clergy. But a woman that is ravished ought presently to levy Hue and Cry, or to complaine thereof presently to some credible persons, as it seemeth. *Glanvill* 115. See the Stat. de officio Coronatoris. 4. E. 1. 11. Ja. ca. 3. in Ireland. Stamp. 22. Cromp. 100.

30. If a woman at the time of the supposed Rape doe conceive with childe by the ravisher, this is no Rape; for a woman cannot conceive with childe, except she doe consent; But if a man ravish a woman, who consenteth for feare of death or duress, yet this is ravishment against her will; for that consent ought to be voluntarie and free. Britton, 45. Stamp. 25. 4. E. 4. 6. Br. Parliament 55.

31. All such as are present, abetting, ayding, or procuring another to commit rape, are principall felons. 11. H. 4. Stamp. 449.

32. It is a good plea, in an appeale of rape, to say that before the ravishment supposed she was his concubine, as Maister Bracton saith. And yet to ravish an harlot against her will, is felony, for *licet meretrix fuerit ante, certe tunc temporis non fuit cum nequitia ejus reclamando consentire noluit.* Bract. lib. 2. Stamp. 24. Cromp. 476.

33. Also to take away any Maide, widdow or wife (having lands or goods, or being heire apparant to her Ancestor) against her will unlawfully, is felony, and to receive any so taken knowing thereof, or to procure and abet the same, is felony. And shall be all reputed as principals. 3. H. 7. 3. P. Fel. 16. 2. Rast. Fel. 2. v. marry on defile.

34. The taking away of a mayde under 16 yeares of age without the consent of her parents or governours, or contracting marriage with her, or deflowring her, is no felony, but yet shall be punished with long imprisonment without bayle or with grievous fyne. 10. Caroli ca. 37. in Ireland.

35. Also to take away a mans wife with the goods of her husband, whether it be against her will, or against her husbands will, seemeth to be felony, by the stat. of West. 2. cap. 34. the words thereof are *de mulieribus abductis cum bonis virorum suorum, habeat rex sectam de bonis sic asportatis.* 13. Aff. 6. Br. Cor. 77. Stamp. 94. Cromp. 359.

36. But if the wife take her husbands goods, and so goeth away voluntarily with another man, and with those goods, or delivereth those goods to another man, these two last cases seeme not to be felony. E. Cor. 455. Stamp. 37.

37. By a statute made in Ireland in the third yeare of the Raigne of King Edward the second, cap. 1. & 2. Taking of meat or drinke against the will of the owner is felony. 3. Ed. 3. ca. 1. & 2.

38. Also by a statute made in Ireland in the fifteenth yeare of the raigne of King Edward the fourth, Rot. Parliament. cap. 8. the taking of a distresse contrary to the common law, that is to say, where no distresse lyeth in the case, as to distrayne for debt, breach of Covenant or such like is felony; but to distrayne where a distresse lyeth in the case as for rent, service, or such like, although the taking of the distresse be unlawfull, because no rent is arreare, yet that is no felony; for that distresse is not contrary to the common law.

39. Also

39. Also by a statute made in Ireland in the Eleventh yeare of the raigne of *Queene Elizabeth. cap. 10.* It is felonie in a Searcher to conceale the transporting of wooll and other prohibited merchandises.

13. El. ca. 4.
in Ireland.

11. El. ca. 10.
in Ireland.

40. By another statute made in Ireland in the thirteenth yeare of *Queene Elizabeth. ca. 4.* it is ordained that the shipping, loading, imbarquing, and putting into any ship, barque, Pickard, Boat, or any other vessell whatsoever of any prohibited merchandises, as Wooll, woolfels, &c. in any port, haven, harbrow or Creeke within this Realme before entrie made of the same, and the customes well and truely paid according the tenor and effect of another statute made in *11. Eliz. ca. 10.* shall be adjudged and deemed felonie in all and every such person and persons, their ayders, consorts, and assistants, that will so ship, load, imbarque, and put the said goods into any Ship, Barque, Pickard, Boate, or other vessell before entrie made, and the said customes paid as aforesaid, and that the same persons their ayders, consentours and assistants so to doe shall have the same order of processe, inquiry, triall, judgement, forfeiture and execution as in cases of felony is used by the common Law in this Realme, and that the Iustices of peace at their Sessions, and all and every officer and officers within Cities and incorporated Townes, having authoritie to be Iustices of peace, or of gaole deliverie, within the said Citties and incorporated Townes shall and may lawfully inquire, heare and determine all and singular the premisses made felony by the said Act.

10. H. 7. ca. 11.

41. By a statute made in Ireland in *Anno 10. H. 7. ca. 11.* It is enacted that if any person take any money or other amends for the death or murder of his kinsman or friend other then the lawes of the kingdome will permit the same, shall be felony.

33. H. 8. ca. 5.
in Ireland.

42. By a statute made in *33. H. 8. ca. 5.* It is felony for a servant of the age of 18. yeares or upwards to goe away with the goods of his master or mistresse, committed to his charge, if the goods be of the value of 40. s. but there is a *proviso*, that this shall not extend to an Apprentice.

10. Caroli c. 20.
in Ireland.

43. By a statute made in *10. Caroli ca. 20.* in Ireland it is enacted that the levying of any Fine, suffering of any Recovery, acknowledging a Recognizance, baile, or Iudgement in the name of any other person or persons not being privy or consenting thereunto shall be felony.

Accessaries. CHAP. 24.

3. H. 7. fo 10.
Statut. 40.
Br. Treas. 19.

I. IN high treason, there be no Accessaries for all the advisers, counsellors, perswaders, and assistants therein, be principalls and as much as if they were Actors or doers, yea all that shall advise, counsell,

sell, perswade, command, procure, or hire another to doe any treason, or felony, they being indeed the very cause of the fact, may seeme as culpable if not more, then the principall Actor and the rule is, *plus peccat author, quam actor*, Examples also we have hereof in the booke of God. *Gen. 3.* The serpent the procurer of the first sinne, by Gods owne Iudgement had a greater punishment then the woman, or man; Againe, *2. Sam. 12. 9.* David is told (from God) that he had killed *Urias*, whereas he only commanded *Ioab* to kill him, &c. yet in case of felony our Law is otherwise, for in felonies they are but accessaries and not principals.

2. Note whatsoever offence doth make a man accessary in felony, *Stamf. 40.* the like offence maketh him principall in high treason.

3. But yet it seemeth this is to be understood of accessaries before the Treason, for receiving, aiding, and comforting a Traitor after the offence (knowing the same) was holden to be but misprision of treason. *12. & 13. Eliz. Dyer 296.* And yet by some other authorities, and by the common experience and practise the relieving of Traitors after the offence, knowing thereof, is holden to be treason, *See 3. Dyer. 296. H. 7. 10. Br. Treas. 19. per Hussey chiefe Iustice and Cromp. 42. b.*

4. In cases of *Premunire*, there may be principall and accessary by some opinions. *44. E. 3. & 8. H. 4. 6. b. Br. Premunire 4. 6. Tamen quare,* *27. E. 3. ca. 1.* for these offences seeme more like a Trespasse then a felony, &c. And upon the statute of *27. E. 3.* the offenders shall forfeite nothing, if they appeare at the first day, but if they appeare not at the first day, then for their contumacy they shall be out of the K. protection, and shall forfeite their lands, and goods, to the K. which are as a paine given by the statute, but is no attainder, also if the principall appeare not, or happen to be dead, yet the other shall answer, and therefore it seemeth that they be all principals. *Br. 4.*

5. In petty treason there is a principall, and there be accessaries, as there is in felonies.

6. In felonies, there be two sorts of accessaries. The one is accessary before the felony committed, the other is accessary after the offence done.

7. But he that is present at the time of the felony committed (be it in case of murder, robbery, burglary, or Larceny) is principall, if he were either a procurer, or mover, or be aider, comforter, or consenter thereto, although at that present he doe nothing. *Pl. 100. a. 11. H. 4. Br. Coron 188.*

8. If one being present at the killing, or robbing of a man doth nothing, yet would have aided his companion if there had been need, he shall be adjudged a principall. But if one be present by chance and seeth when another is slaine, or robbed, or when any other felony is committed, and doth not come in company with the felons, nor is of there confederacy, although he doth not make any resistance, or disturbe the felon, or levy Huy, and Cry, nor discovereth the same, *Stamf. 40. b. F. Coro 395. Stamf. 37. 40. b. Cromp. 44. 14. H. 7. 31.* but

but concealeth it, yet it is no felony in him, but it is a great neglect of his duty, for which he shall be punished by fine and Imprisonment.

9. Also in some cases a man may be a principall, although he be not present at the time of the felony committed; As if A. knowing drinker to be poisoned, perswades B. to drinke it, and after B. (in the absence of A.) doth drinke it, and dyeth thereof. A. is here a principall murderer. Co. 4. 44.

Dalton pag.
259.

10. Note that the Accessary in felony, whether before, or after, though it be another offence, and distinct from the principall fact, yet it is also felony.

Præcipiendo.
Persuadendo.
Consulendo.
Consentiendo.

11. Accessaries, before the felony are such as shall will, command, hire, procure, move, conspire, counsell, abet, or consent to commit any petty Treason, murder, robbery, rape, burglary, or Larceny, but are not present therat, yet all such are thereby felons, when the felony is committed.

F. Cor. 314.

12. But here note, some differences are to be observed when the principall and chiefe offender or Actor doth not accomplish the fact altogether in the selfe same sort, as it was before hand agreed and plotted betweene him and the accessary, and therefore if A. command B. to lay hold upon C. and B. goeth and robbeth C. this is no felony in A. (if he be absent when the robbery is done) for this commandement might have beene performed without any robbery. But if the commandement had beene to beate C. and the party commanded doth kill C. or beateth him so that he dyeth thereof. A. shall be accessary to this felony and murder, for it is hazard in beating a man that he may dye thereof.

Pl. 475.

13. A. commandeth B. to rob one and in attempting this another is killed, A. shall be accessary to this murder, for he that commandeth an evill or unlawfull act to be done shall be adjudged accessary to all that shall ensue upon the same evill Act, but not to any other distinct thing: As if A. commandeth B. to steale a horse, and he stealeth an Oxe, or to steale a white horse, and he stealeth a blacke, or to rob a man by the high way of his money, and he robs him in his house of his plate, or to burne the house of B. and he burneth the house of C. these be other Acts and felonies than A. commanded to be done, and therefore A. shall not be adjudged accessary to them.

Pl. 475.

Pl. 475.

14. But if B. shall commit the same felony which A. did command or counsell to be done, though he doth it at another time, or in another sort than A. did command, or Counsell, yet here A. shall be accessary thereto; As if A. doth counsell B. to kill C. by poison, and he killeth him with his dagger, or to kill C. by the high way and he killeth him in his house, or to kill him one day and he killeth him upon another day, in these and the like cases, A. shall be accessary to the murder.

Dalton pag.
259.

15. A. counselleth B. to poison C. and to that end A. buyeth poison, and delivereth it to B. who tempereth it in an Apple, and delivereth

delivereth it to C. with intent to poison him and C. knowing nothing, giveth the Apple to E. who eateth it; and dyeth thereof, here A. is not accessory to the murder of E. yet it is murder in B.

16. A. counselleth B. to kill C. and before he hath killed him, A. doth repent him, and countermands it, charging B. not to kill C. and yet after B. doth kill C. here A. shall not be adjudged accessory to the death of C. for the Law adjudgeth no man accessory to a felony before the fact, but such as continue that minde at the time that the same felony is done and executed; But if A. counselleth a woman to murder the child in her body, and after the child is borne, and then is murdered by the commandment of the woman, in the absence of A. yet he is accessory by his counselling it before the birth, and not countermanding it. *Dyer. 186.*

Dalton pag. 16.

Dyer. 180.

17. A man foreknoweth of a felony intended to be done, and doth conceale it, and so suffereth it to be effected, this maketh him no accessory to the felony, except he consenteth thereto, but such concealment seemeth to be only misprision of felony and fineable: And yet the rule is, *Qui non prohibet, quod prohibere potest, consentit.*

14 H. 7. 31.

18. Note: that in manslaughter, there can be no accessory before the fact, for manslaughter is upon a sudden falling out.

Co. 4. 44.

19. Accessaries after the offence, are they who knowing that another hath committed a felony, doe feloniously receive or harbour him, or relieve, assist, comfort, or aid him, whether it be before the attainder of the felon, or after his attainder: As to comfort or relieve a felon (before he is attainted) with money, meate, drinke, or lodging, knowing of the felony, maketh one accessory; So to lend him a horse to go his way withall: Or otherwise to be a meanes of his escape.

After the fact.

Stamf. 41.

Stamf. 41.

20. But to relieve him being in prison maketh not a man accessory. Also to ayde him by his good word, or suit, for his deliverance, or to send a letter for his enlargement by baile, or any other lawfull way, this maketh not a man accessory to the felony, but to worke his enlargement by escape or any other unlawfull meanes, will make him accessory.

Br. Cor. 103.

21. To receive, harbour, or relieve a felon which is upon baile with money or victuall, breedeth no danger of being an accessory, because the felony in this case cannot be concealed, nor the tryall hindred by it.

Cromp. 42.

22. If a felon getteth his pardon such as shall receive or relieve him after, shall not be accounted accessory. But to receive or relieve him before his pardon obtained, is felony, *See Pl. 476.* yet upon this pardon such accessory shall be discharged, if the pardon be pleaded before the felon be attainted.

23. If a felon be attainted, by verdict, confession, or by Vtlary, some bookes hold that to receive, harbour, or relieve such a one, by any person dwelling in the same County where the felon is attainted, it maketh such receiver, or ayder an accessory to the felony although

F. Cor. 177.

Stamf. 96.

Dyer. 355.

such receiver, &c. did not know of the felony, because by the attainder of the felon, he is a felon of record, whereof every person dwelling in the same County, is to take notice, yet Master *Bract.* requireth a more direct knowledge in the parties to make them accessory, for albeit a record (and especially the pronouncing of an outlary) be so notorious, that every man may easily come to know the same, yet were it an over-great extremity that every man should (upon the perill of his owne life) take certaine knowledge thereof, which opinion of Master *Bracton* Master *Lambert* also holdeth to be very reasonable, and for my part I am of Master *Bractons* opinion. But a felon attainted (by verdict, confession, or outlary) in one County, and another doth receive, or ayde him in another County, this maketh such receiver, or ayder no accessory to the felony, unlesse he did also know of the felony.

F. Cor. 177.
Vide Stamf. 41.

F. Cor. 183.
Stamf. 36.

24. If a feme covert shall relieve, or receive and keepe company with her husband, knowing him to be a felon, shee is no accessory thereby, for a woman covert cannot be accessory in felony to her husband, for shee ought to relieve him, and not to discover his Counsell, but if shee relieveth another felon, shee is an accessory.

See Stamf.
43. c.
Dalton pag.
212.

25. A felon who fled to the house of his naturall brother, and the brother shut the foredoore against the pursuers, and convayed the felon out of his house, at a backe doore, whereby he got to the Church, this brother was adjudged an Accessary for it, for he was a meanes of the escape.

Stamf. fo. 43. c.
Coron. Fitz. 417.

26. If a felon flyeth, and commeth to his friends house, and his friend doth shut the doore against him, and yet maketh the pursuers believe that he is in the house, whereupon he escapeth, this maketh the friend to be an Accessary.

9. H. 4. 16.
Br Cor. 26.
See Br. escape
43.

27. A man hath a felon in his house, and (knowing of the felony) suffreth him to goe his way, and so to escape, yet this is no felony, for that he had not arrested him of the felony before, neither can such an escape make him an accessory, except he were a meanes of the escape, but for his neglect hee may be punished by fyne and imprisonment.

1. H. 7. 6.
Stamf. 43. c.

28. If one doe rescue him that is arrested for felony, he is a principall felon, and not an accessory, for this rescous is a new felony of it selfe, although it depend upon the former.

Buying stolne
goods.
35. E. 3. 39.

9. H. 4. 41.
Stamf. 43. b.

29. Receiving or buying stolne goods, knowing they were stolne, maketh not a man accessory to the felony, unlesse hee receiveth also (or aydeth) the felon himselfe, as it is holden in some bookes, yet Master *Crompton* and Iustice *Stamford* make a quare thereof, See *Crompt. fol. 41. 42. 43.* But herein there is a difference between a buyer being a stranger to the felon, and who for valuable consideration shall buy such goods, and a receiver or buyer, who is an adherent or companion to the felon, or that by Covin shall receive or buy such goods, for clerely such receiver as is last mentioned is an accessory,

iary, as appeareth by the preamble of the statute of 10. *Caroli ca.* 19. in Ireland, and I doe not see in reason but that the former should also be accessory, for by the money which is given for the stolne goods the felon is as much relieved in the one case, as in the other, and the cases as I conceive in 27. *ass. p.* 69. & 25. *E. 3.* fo. 39. remembered by Maister *Stamford*, fo. 43. & 69. are not contrary, if they be duely considered, for the reason of those bookes is, because the indictment or appeale was but only for receiving the stolne goods without speaking of relieving the felon, but if the Indictment had bene for relieving the felon, the buying of the goods, knowing them to be stolne, would have bene good Evidence to maintaine the indictment.

Crompt. 48.

30. A man buyeth stolne goods for 5. s. which are worth 20. s. this maketh the buyer an accessory by the opinion of Maister *Crompton*, fo. 43. for it may well appeare by the price, that the seller came not truely by them, and therefore it is safe to lay hold of such sellers, as shall sell any thing at any great under value.

31. A man pursueth and taketh a felon that hath stolne his goods and then taketh his goods againe, and suffereth the Thiefe to escape, he is no accessory thereby by some opinions; for hee may *in initio agere civiliter*, or *criminaliter*, at his pleasure, as Maister *Bract.* writeth, but Maister *Stamf.* fo. 40. saith, If he takes his goods againe from the felon to favour him, this is theft boot, (the punishment whereof in ancient time was of life and member, but at this day by Maister *Stamford* fol. 40. It is but ransome and imprisonment.) The like seemeth to be, if he takes his goods againe from the felon, and then favoureth him, and letteth him goe; but if the party robbed take money, &c. of the thiefe to the end he shall favour him, or shall not give Evidence against him, whereby the thiefe escapeth, now he is an accessory to the felony of his owne goods, by good opinion, though some other seeme to take this for theft boot, and so to be punishable at this day only by ransome and imprisonment.

Taking againe stolne goods. Br. Cor. 21.

Crompt. 37. 41.

42.

Crompt. 41.

P. R. 131.

Br. Cor. 131.

41. Ass. p. 69.

Dalton pag.

262.

32. If the party robbed, or if he that shall have any goods stolne from him, after complaint by him made of the felony (to a Iustice of Peace, or to the Constable) shall then take his goods againe, and will not prosecute this matter against the felon any further, but will suffer him to escape, after he was once so charged, and perhaps arrested for the same, this maketh him an accessory, for that he did once *agere criminaliter*, by complaint made to the officer against the felon, and in such case, the Iustice of Peace shall doe well either to commit, or at least to binde over both the one and other to the next Goale delivery.

33. But if upon Huy and Cry a man doe arrest a thiefe that hath stolne another mans goods, and doe then take the goods from the felon, and so let him goe, this maketh him an accessory to the felony and also a principall felon for the voluntary escape.

22. Ass. 62.

34. Note, in all cases of an accessory after the fact, it is requisite that

Stamf. 287.

that the fact, to which he is an accessory, be a felony at the very time in which he becommeth an accessory to it, For if A. giveth a mortall wound to B. upon the first of March, and C. knowing thereof receiveth, &c. A. 2. or 3. dayes together, and letteth him goe, and after B. dyeth of the wound within the yeare, yet this receipt, &c. maketh C. no accessory, because the principall fact was no felony at the time either of the receipt, or of the letting him goe.

P. Trial. 2.

Stamf. 41. fo. 63. li.

35. By the statute of 10. *Caroli ca.* 19. in Ireland, accessaries may be to a felony done in another County, whereas before that statute the common law laid no hold of such accessaries, for that these in another County, upon the triall could not have conuance of the principall offence, &c. But now by the said statute there shall be a Certificate from the *Custos Rotulorum* of the County where the principall shall be attainted or convicted.

Stamf. 44

36. Note that if an offence bee made felony by statute, although the same stat. doth not expressly make mention of procurors, counsellors, abettors, receivers, consentors, and aiders, &c. yet they shall be taken as accessaries (within the compasse of the same statute) even in the same manner, as if it were felony at the common Law.

26. Aff. 52.
F. cor. 196.

37. A man may be an accessory to an accessory, as if hee shall receive, releive, or comfort him who is accessory to a felon knowing the same.

P. Appeal. 1.
Co. 4. 43. &
9. 117. 119.
Plo. 98. 99.

38. Although the accessory shall bee punished, and shall have judgement of life and member, as well as the principall, which did the felony, yet the principall ought first to be attainted (after verdict or after confession, or by Uttery) before any judgement can be given against the accessory, and the acquittall of the principall is the acquittall of the accessory, for *ubi non est principalis, non potest esse accessarius*, but yet the accessory shall bee attached, and surely kept (and shall be committed by the Just. of Peace, &c.) untill the principall be attainted.

Co. 4. 43. 44.
F. cor. 166.
& 378.
Vide Br.
Coro 70. 71. 80.
83. 86. 132.

39. And if the principall be attainted, though erroneously, that shall not avails the accessory, but he must answer, &c. Co. 9. 68. b. & 119

40. If the principall dye before he be attainted, or if the principall be found not guilty by verdict, or be found by verdict that hee slew the other in his owne defence, or if after conviction, and before judgement, he hath his Clergie, or getteth his pardon, the Accessarie in all these cases shall be discharged, but it is not safe for the Justice of Peace to discharge such an accessory out of Sessions.

Crompt. 34. b

41. A man killeth another *se defendendo*, or by misadventure, and it is so found upon his triall, the accessory shall be discharged; for that in these cases the principall shall not have judgement of death. *Et omne accessar. sequitur suum principale.* See Br. Forf. 13.

Certain rules concerning felonies. CHAP. 25.

1. **I**F a man committeth felony in the time of one King, he may be charged and arraigned for it after, in the time of another King. Rules concerning felony.
1. E. 6.
2. If a man doe commit murder, steale goods, or doe any other felony in one County, and then flyeth into another County, and is taken there, and brought before a Iustice of Peace, there he shall be (by the Iustice) imprisoned in the gaole of the County, where he is taken, and after shall be removed by the Kings writ into the gaole of the County where he committed the felony; but for those that do informe against such felons the said Iustice shall binde such Informers over to appeare and to give Evidence against such felons, at the next generall gaole delivery to be holden in that County, where the tryall of such murder, or felony shall be, whither also the said Iustice must certifie such information taken by him. Br. Cor. 178.
13. Ed. 4. 9.
3. If a man committeth a robbery, or stealeth a horse, beast or other goods in one County, and doth carry leade, or drive the goods into another County, it is felony in every County whither he doth carry, or drive those goods, and the offender may be indicted, or appealed of felony, or theft, and be arraigned and have his judgement in any of those Counties, but the offender cannot be appealed, or indicted of robbery, but only in the County where the robbery was done, for it is not robbery in any other County, for Robbery must be done to the person of a man. 4 H. 7. 5.
4 H. 8.
Br. Cor. 171.
Ca. 7. 2.
4. If a felon doe steale another mans goods, and after another stealeth the same from him, the owner of the goods may charge the first, or second felon, at his choice. 11. E. 4. 3.
4. H. 7. 5.
5. Also if a man shall deliver cloth to a Taylor to make a garment, if the cloth be stolne from the Taylor, the offender may be charged, and indicted for stealing the same, either at the owners suite, or at the Taylors. P. R. 130.
6. Also an indictment may be, *Quod bona & Catalla cuiusdam hominis ignoti felonice cepit*, and in such case any man may both informe the Court and by their direction may preferre an indictment against the felon and give Evidence to the Enquest therein. And so if the owner be knowne, and will not charge the felon therewith, any other person (especially after proclamation made in the Court, that if any will enforme for the King, he shall be heard) may safely informe the Court, preferre an indictment, and give in Evidence for the King against the felon, because it is for the K. advantage to have the forfeiture of the felons goods, and in the two former cases if the Ju. of P. shall heare of any person that can informe any materiall thing against such a felon, or against any felon, the Ju. in his discretion may send for him, take his information, and may bind him to give evidence against such felon. Dyer. 99.
Stamf. 163.

7. Also

Dalton pag.
265.

7. Also if any robbery or Theft be committed, and the party robbed, or other owner of the goods, will not charge the felon therewith, yet every Iust. of P. may cause such felon (or any person suspected for such felony) to be apprehended and may examine them thereof, and also may send aswell for the party robbed, &c. as for all such other persons as can informe any thing materiall concerning the said felony, and may take their informations upon oath, and if upon such examination he shall finde cause, the said Iustice may commit the offenders, and binde over the informers.

Huy, & Cry.
3. E. 1. c. 9.

P. Fel. 38, &
Huy, & Cry, 1.

3. Ed. 1. c. 9.

8. Note also (for the better prevention and apprehending of felons) that upon all homicides, burglaries, robberies, and other felonies, and when men are put in great danger, Huy and Cry shall be levied, and every man shall follow the Huy, and Cry, and whosoever doth not, shall be attached to appeare before the Iu. of gaole delivery, and any Iu. of P. may bind them over by the Commission of the peace, yea upon any felony committed, all men generally shall be ready (at the commandement of the Sheriffe, or Constable and at the cry of the countrey) to pursue and arrest felons, upon paine to bee grievously fined.

13. Ed. 1. c. 1. 2.
28 E. 3. c. 11.

11. Carolic. 13.
in Ireland.

See Br. der. 104.

9. And such Huy, and Cry, and pursuit shall bee made from towne to Towne, and from Countrey to Countrey, and shall be made by horsemen, and footmen, and in case of robbery, if none of the felons be taken within Forty dayes after the felony committed, then the whole hundred, where the robbery was done, shall answer for the robbery done, and the damages but yet the inhabitants of any other hundred wherein negligence, fault, or defect of pursuit and fresh suite, shall happen to be, shall answer and satisfie the one moitie and halfe of all and every such summes of money and damages.

3. H. 7 c. 1.
Co. 7. 6 b.

10. And if a man be slaine in the day time, in a Towne not walled, and the murderer, or manslayer escape, the whole Towne shall be amerced for this escape; But if it be in a City, or Towne walled, then if the murder, or manslaughter were by day, or by night, they shall be amerced for the escape, *Fitz. Coron. 238. 293. & 302. Stamf. 33. l. 3. H. 7. 1. P. Coroners 13.*

11. And if a man be slaine in the day time, out of any Towne; then the hundred shall be charged therewith, and for the insufficiency of the hundred all the County shall be charged, &c. *Stamford 34. f. yet see Dyer. 210. b. that the towneship shall be amerced for the escape, although the murder were committed in the fields of the Towne, or in a lane, &c. and the Iust. of P. are to inquire of such escapes, and to certifie the same into the K. Bench. P. Iustices 19.*

P. R. 156.

12. Also every man is a sufficient Bailiffe and officer to apprehend him that is pursued by Huy and Cry, and if he be taken with the thing supposed to be stolne, though he neither be of evill fame nor a stranger, yet every man may commit aswell such suspected person,

person, as also such goods to the Towne where they be apprehended to answer to the King according to the Law: And the Constables of the Towne are to carry before some Iustice of peace, aswell such prisoners, as also the bringers, that the Iustice may take there Information against such prisoner, and may examine and commit such offender or person so suspected.

13. But if a man doe levy Hue and Cry upon another without cause, both the one and the other shall be attached, and carryed before a Iu. of P. to answer it, as disturbers of the peace, and to be bound to their good behaviour. Dalton pag. 266.

14. Note also that the Kings officer may breake open any mans house, to apprehend any felon; or any person that is suspected of felony being in the said house. 9. Ed. 4. 9.
Co. 5. 91.

15. And for the better detecting and apprehending of such offenders in great Townes being walled, the gates are to be shut from the Sun setting untill the Sun rising; And no man shall be lodged in the Suburbs from nine of the Clock, untill day, unlesse his Host will answer for him: And in all other Townes watch shall be kept from the Feast of the Ascension, untill Michaelmas, from the Sun setting untill the Sun rising; And if any stranger doe passe by them he shall be arrested untill the morning, &c. And for such arrests none shall be punished: And the Constables ought to see these watches duly set, and kept, and to make presentment to the Iu. of P. at their Sessions, of the defaults of watches, and of such as lodge strangers for whom they will not answer, and the Iu. of P. at their Sessions shall punish such as be found in default. *P. Watch. 2.* And every Iu. of P. may cause these watches to be duly kept. Watch.
13. E. 1. 4.
P. watch. 2.
5. H. 7. 5. 2.
Lamb. offic.
of a Constable

The forfeiture for Felony. CHAP. 26.

THe punishment of felony is fourefold, *sc.*

1. The offender shall lose his life, and be hanged betweene heaven, and earth, as unworthy of either. Co. 4. 124.

2. He shall lose his blood, aswell in regard of his Auncestry, as of his posterity, for his blood is corrupted, so as he hath neither Auncestor, heire, nor posterity.

3. He shall forfeite his (fee simple) lands wherein the K. shall have *Annum diem & vastum*, to the intent that the offenders wife and children shal be cast out thereof, his houses razed, his trees rooted up, his meadowes plowed up, and all his land wasted and destroyed; And after the yeare, day and wast, the lands shall goe by Eschete to the chiefe Lord of the fee. But yet the Lord may fine with the K. for all, and so have the land presently.

4. The offender shall forfeite and lose all his goods.

5. The K. shall have all the goods of felons which be condemned P. Prero. 8.
and 17. E. 2.

Co. li. 4. 95.
Co. 3. 1. 2.
Br Cor. 3. 17.
324.
Dalton p. 267.
10. H. 6. 47.
Stamford. fo.
188.
Dyer. 30.

and which be fugitive, wheresoever the said goods be found, *sc.* all their goods moveable and unmoveable, their Corne growing, and the profits of their Fee simple lands, during their lives, and all their debts donero them by stat. recog. obligation, or simple contract, and money due upon accompts, and the King, or he to whom the King shall give such debt, shall have an action therefore in his owne name, and yet the King shall not pay such debts as the said felons did owe.

22. Aff. 96.
Br forf. 33.
43. E. 3. 14.

6. By the common Law, after a felon be found guilty before the Coroner, or that it be found before the Coroner that he did fly for the felony, there the Coroner, Sheriffe, undersheriffe, or Escheator, &c. may (for the King) seise the goods of the felon, and preise them by an Enquest, &c. betore his attainder, for by such thing found before the Coroner, the goods of the felon are forfeited without further inquiry or tryall of the felon, and yet the officer may not in such case carry the felons goods away, but (after prisement as aforesaid) must leave them in the custody of the felons neigbours, where he dwelt, or in the custody of the Towne where the goods were, to be answered to the K. and if he were indicted of felony, yet his goods should not be removed out of his house, untill he were convicted, but the officer was to seise, and preise them, and to take surety of the party that they should not be imbezeled, and if the party would not find surety, than the officer was to deliver them to the neighbors, and the said goods should be kept by his neighbors all the time of his imprisonment, and the felon must have had reasonable maintenance of his goods for him and his family untill he were convicted and found guilty of the felony, and then that which did remaine was the Kings, See 25. E. 3. c. 14. P. *indict. 5.*

P. Sherif. 24.

25. Ed. 3.

P. *indict. 5.*

Stamf. 193.

Pr forf. 58.
Co 3. 171
Stamf. 192. a.

7. And now by the statute made 1. R. 3. c. 3. it is ordained, that if any Sheriffe, &c. or other person, doe take or seise the goods of any person arrested and imprisoned before the same person be convicted or attainted of felony, or that the same goods be otherwise lawfully forfeited, he shall pay to the party grieved the double value of the goods so taken or seised, &c. which statute seemeth to be but a confirmation of the common Law, saith Maister *Stamf. fo. 193.* save that, it giveth the party grieved a more ample recompence, and more speedy remedy than the common Law before did, so that before attainder or conviction the goods of a felon that is in prison ought not to be seised, nor committed to the Towne, nor taken out of the felons house, or possession, for a man attainted of felony shall forfeit such goods as he hath at the time of the attainder, and not at the time of the felony committed, and a felon or traytor after the felony or Treason committed, and before attainder or conviction may sell (*bona fide*) for his sustenance, &c. his goods or chattells, be they reall or personall (but they may not disorderly sell, or waist their goods) therefore it seemeth that the officer may still take surety that the goods

goods be not imbezeled, and for want of surety may deliver them to the Towne. See *Br. Forf. 44.*

8. Nay after attainder if they shall grant their goods or lands, it shall binde all persons, except the King and Lord by escheat, but against them such grant is void. And besides as to the King or Lord by escheate, a man attainted of treason or felony is absolutely and perpetually disabled by the corruption of his blood, so as none of his posteritie can claime any inheritance in Fee-simple as heire to him, or to any other Ancestor paramount him. *Co. 11. 1. b.*

9. After the conviction of a felon (if the goods were in the felons possession at the time of his conviction) the Towne presently stands charged therewith and shall answer for them, though the goods were never seised by the officer, nor delivered to the Towne (except they can shew what other person hath detained those goods, and that they could never have possession of them, which exception is by the statute of *31. E. 3. 3. P. Estreats 3.*) So that it shall be safe for the Towne to seise such goods (in whose hands soever they be found) presently after the conviction of any felon, yet by the opinion of *Prisot*, none may seise any goods for the King, but an officer who is accomptable to the King. *9. H. 6. 1.* but in this case the towneship is accomptable, and therefore by *Prisots* reason they may seise such goods. *Stamf. 193. 194.*

10. Conviction in felony is where a man (being indicted of felony) upon his arraignment submitteth himselfe to be tryed by the Countrey, and then is found guilty by the verdict of twelve other Iurors; Or shall confesse the offence upon his triall, or is outlawed for the same. Also conviction in all other offences (by the common Law) is where the offender is indicted, or the offence presented by a Iury whereto the offender pleadeth Not guilty; and is found guilty, by the verdict of twelve other Iurors. *Co. 11. 30. 31. P. R. 179. Co. 17. 30.*

11. And yet by diverse statutes you shall finde that an offender may be convicted (out of Court) either upon the view and record of the Iustice of peace; Or by the confession of the offender, or upon examination of witnesses before one or two Iustices of peace, and that out of the Sessions.

12. And sometimes by confession or examination of witnesses in Court without any verdict taken, See *Crom. 130. 131. Br. Confes. 32.* And in some cases conviction shall be taken for attainer, see *Co. 11. 59. 60.*

13. The difference betweene attainder, and conviction, in case of felony is, the person attainted hath judgement of death given upon him; The person convict, before judgement, prayeth his Clergy and hath it, &c. Or after verdict, confession, or outlary, the felon is said to be convicted till judgement be given. *Co. 11. 58. Stamf. 138. & 185. b.*

14. And so a man is properly said to be indicted, when the offence is first found by the great Enquest, or other Iury of Enquiry.

15. Convicted, when the offender is found guilty by a second Iury.

Q

16. At-

16. Attainted when (after such conviction) judgement is given against the offender.

Examination of felons and Evidence against them.

CHAP. 27.

10. Caroli c. 18.
in Ireland.

1. **V**hen any person shall be brought before a Ju. of P. for Treason, murder, manslaughter, or any other felony (wherewith the Ju. of P. may deale) or for suspicion thereof, before the Iustice shall commit or send such offender to prison he shall take

1. The examination of such offender in writing, but not upon oath.

2. The information of such as bring him viz. he shall take their examination and information of the fact, and circumstances thereof upon oath; And so much thereof as shall be materiall to prove the felony, he shall put in writing within two dayes after the said examination.

3. Also the same Ju. of P. shall binde all such by recognisance as doe declare any thing materiall to prove the treason or felony, to appeare at the next generall gaole delivery (to be holden where the triall of the said felony shall be) to give in evidence against such offenders.

4. And then the same Iustice shall make his *Mittimus* to carry the offender to the Gaole.

10. Caroli c. 18.
in Ireland.

5. Or if such offender be baileable (and that there be two Iustices of P. present together, the one of them being of the *Quorum*) after such examination, and information taken, and put in writing, the said Ju. of peace may baile such prisoner.

6. And the said Ju. or Iustices of P. shall certifie at the next generall gaole delivery, such examination, information, recognisance, and bailement.

7. And if any Ju. of P. shall offend in any thing contrary to the true intent and meaning of this statute the Iustices of gaole delivery in their discretions shall fine every such Iustice of peace.

8. And yet for petty Larcenies, and felonies, the offenders in the County of Dublin may be tryed at the quarter Sessions, and the examinations and informations may be certified thither, and the Informers bound thither.

9. For the forme of the recognisance, the forme of the *Mittimus*, and the forme of the bailement. See *postea* in the title of warrants and presidents.

10. If the offender upon his examination before the Iustices of P. shall confesse the matter, it shall not be amisse that the offender subscribes his name, or marke, under such confession made by him.

11. If the offender confesseth the felony before the Iustice of peace,

peace and notwithstanding he letterh him goe, without committing or bailing of him, this seemeth to be a voluntary escape and so felony in the Iustice, *Crompt. 39. 44.*

12. Also if any person shall be brought before a Iustice of Peace, and charged with any manner of homicide (other than that which shall be done in the orderly execution of Iudgement, as if it were done *se defendendo*, or by casualty (which are not felonies of death, or done by an infant, a lunaticke, or the like, yet it is the Iustices part, and safest for him to commit the offendour to prison, or at least to joyne with some other in the bailement of him (if the cause will suffer it) to the end the party may be discharged by a lawfull tryall.

13. Children may be examined to prove a felony against their parents, and bound to give Evidence; for the sonne, and daughter, of *Elizab. Device* a witch, were not onely examined by the Iustice of Peace against their said mother, and the said examinations certified, and openly read upon the arraignment and triall; but the daughter also was commanded, and did give open Evidence against her mother then prisoner at the Barre; And by the statute of *10. Carol. in 10. Carol. ca. 19. in Ireland.* Ireland, the Iustices of peace are to binde by recognisance to give Evidence, all such as doe declare any thing materiall to prove the felonie.

14. It appeareth in the booke of the discovery of witches, that two children, the one about 9. yeares of age, the other of 14. did upon their oathes give Evidence against the prisoners upon their arraignment: And likewise at an Assise at Downe a murder was discovered, and the murderer condemned upon the sole evidence of a child of about 10. yeares old, and the murderer after she had received her judgement confessed the fact, with all the circumstances according as the child had declared the same. *By an Infant.*

15. Two informe against another in matter of felonie, and they varie in their tales (*viz.* in the day and place, when and where the felony was committed,) such information is not much to be credited. *See the storie of Susanna.* *By persons discredited.*

16. He that is examined, if part of that he speaketh be proved to be false, he is not much to be credited in the residue of his information, and therefore we shall find in *16. Ed. 4.* that, a man who was produced as a witnesse in the Chancery, in his deposition was found to sweare falsely in part, and thereupon his testimony was utterly rejected. *Crompt. 104. Dalton pag. 271.*

17. A man attainted of perjurie, and after pardoned and restored, such a persons information is not much to be credited against a prisoner, for the old saying is, Once forsworne ever forlorne.

18. A man attainted of conspiracie or forgerie, shall not be received to give Evidence, or to be a witnesse. *See Crompt. 127. b.*

19. But if one be brought before a Iustice of Peace upon suspicion of felony, although the information against the prisoner shall be

by such witnesses, yet it seemeth safest for the Iustices of peace to take their information for the King, and to binde them over to give Evidence, &c. and to commit the party suspected: And upon the Tryall to informe the Iustice of Goale delivery concerning the credit of those witnesses.

P. Restitut. 1.

28. H. 8. c. 10.
in Ireland.

Stamf. 165, 169.

Restitution.

Co. 9. 80.

20. And for that, men should be the readier and more willing to give evidence against felons, there is a statute made in Ireland whereby it is enacted that if any man hath any goods stolen from him, if the felon be thereof indicted, and after in any sort attainted, or found guiltie, by reason of evidence given by the party robbed or owner of the said goods, or by any other by his procurement, then the party robbed or owner of the goods shall bee restored to the said goods, though he never made any fresh suit. Before which statute the party robbed could have no restitution without suing of an Appeale against the felon and fresh suit made.

21. Also the executors of the party robbed shall have restitution, by force of this statute, viz. upon evidence given by them, or by their procurement against the felon, whereby the felon is attainted or found guiltie.

P. R. 162.

22. If a theefe doe rob or steale goods from three men severally, and he be indicted of the robbing or stealing from one of them, and arraigned thereupon, in this case though the other two would give Evidence against the offender, yet shall they not have restitution of their goods by the meaning of that statute, for the felon is not attainted of any other felony, saving of that whereof he was indicted, but if he be indicted of all the three Robberies, or felonies, severally, and arraigned upon one of them, and found guilty by the evidence given by one of the parties robbed, &c. yet shall he be after arraigned upon the other two Indictments, to the intent he may also be found guilty by the Evidence of the other two persons robbed and that so they may have restitution of their goods stolen, according to the meaning of the said statute.

44. Ed. 3. 44.

23. And if a man doe steale goods at diverse times from severall men, and he is after attainted at the suite of one of them onely for the goods stolne from him, but is not attainted at the suite of the others, by this attainer the felon shall forfeite to the King, not only his owne goods, but also the goods stolne from those other at whose suite he was not attainted, though the felon had no property but only a possession of those goods; And the property of the goods which remaineth in the right owner in this case is forfeited (by the owner) to the King for default of the owners pursuing the felon.

See Stamf. 66.

24. Also if there be diverse of the Theeves, and but one of the principals attainted (as before) yet the party robbed shall have restitution: But in these and the like cases of restitution if the felon hath sold the goods in a faire, or market Overt, and after be attainted of the felony (upon evidence given by the party robbed) here the owner

owner shall not have restitution, for by alienation in Faire, or market overt, the property of the goods stolne are altered, yet if he that bought the goods in market overt, were privy to the felony such sale shall not alter the property, *quia particeps criminis*. See 33. H. 6. 7. Co. 3. 78. But by a statute made in Ireland the party robbed shall have restitution out of the felons goods if the property be altered or the goods stolne esloyned so as they cannot be found.

3. & 4. Ph. &
Ma. ca. 6,
in Ireland.

25. A man shall have restitution of money stollen, though it cannot be knowne. *Br. Restit. 22.*

26. But if a man hath a horse or goods stollen from him and knoweth not by whom, or if he knoweth the felon, yet if the felon waiveth the goods flyeth and escapeth, and the Lord of the Mannor, &c. seiseth them, the party robbed shall have no restitution, for that he cannot indite and attaint the felon, and yet if the felon had not the goods in his possession, and with him at the time when he fled (but had left them elsewhere) then are they not waived goods nor forfeite, but that the owner may take them againe wheresoever he findeth them, without any restitution awarded. *Co. 3. 109.*

27. Examinations taken by Ju. of P. in one County may be, by them certified into another County, and there read and given in Evidence against the prisoner. Examination
certified.

28. The offender himselfe shall not be examined upon oath, for by the common Law, *Nullus tenetur seipsum prodere.*

29. But it seemeth convenient, in cases of felony and treason especially that the Information (of the bringers and others) which the Ju. of P. doe take against the prisoner be upon oath; Otherwise upon the triall of the prisoner such Information, or examination taken by the Iustice of peace, shall not be read or delivered to the Iury, nor given in Evidence against the prisoner upon his triall, and so was the direction of Sir Edward Coke late Lord chiefe Iustice (5. Jacobi, at Cambridge, Summer Assizes) upon the triall of a felon: For said he, in case of Trespasse to the value of two pence, no Evidence shall be given to the Iury but upon oath, much lesse where the life of a man is in question.

30. Also if the Informers be examined upon oath, then though it happen they should dye before the prisoner have his Triall, yet may their Information be given in Evidence, as a matter of good credit, And likewise it is found by experience, that without oath many Informers will speake coldly against a felon before the face of the Iustice of peace, yea and will also speake very sparingly and coldly upon their Evidence given before the Iudges of Assise, as I have observed in some, had they not been urged with their former Information taken upon oath, for the labouring (by the offendour and his friends) to such as are to informe and give Evidence (both before the matter cometh before the Iustice of Peace and after) is now growne over-common and usuall in Ireland, especially, in cases of

of greatest moment, or where it concerneth most notorious malefactors.

Examination
31. Br.

31. Also Maister Brooke, (rit. *Examination* 32.) is of opinion that every examination ought to be upon oath, and so also is the practise of the Iustices of the higher Courts at *Westm.* in all their Examinations of Summoners, Viewers, Sheriffes, Clerkes, and other officers, &c.

32. And here let me admonish all such as are to informe or beare witnesse against a prisoner, or any offendour, before a Iustice of peace or other Magistrate, that they bee well advised, what they testifie upon their oathes, knowing that in such cases, if either they should not speake the truth, or should conceale any part of the truth, they should offend against God, the Magistrate, the innocent, the common wealth and their owne soules, *sc.* against

God in despising of him, and belying the truth.

Against the Magistrate, in deceiving of him, and causing him to doe Injustice.

Against the Innocent, in spoiling him of his Name, goods, or life.

Against the Common wealth, if the party be nocent or guilty, and he cleares him by false witnesse.

And against his owne soule, for it is perjury in him, (at least, in the presence of God and good men.)

Whether Information, Evidence, or prooffe of witnesses shall bee taken against the King. CHAP. 28.

1. **I**T seemeth just and right that the Iustice of Peace, who taketh information against a felon, or person suspected of felony should take and certifie as well such information, prooffe and evidence, as goeth to the acquittall or clearing of the prisoner, as such as makes for the King, and against the prisoner, for such information, evidence, or prooffe taken, and the certifying thereof by the Iustice of peace is only to informe the King and his Iu. of gaole delivery of the truth of the matter, and such was the opinion of Sir Edward Coke, at Lent Assises at Bury. 5. *Jac.* as Master Dalton reporteth, but the Iustices of peace, or Coroner may not take such information, evidence, or prooffe, as maketh against the King upon oath for that is not warranted by the statute of 10. *Caroli ca.* 18.

Dalton pag.
274.

2. Upon triall of felons before the Iustice of gaole delivery the said Iu. will often heare witnesses and evidence, which goeth to the clearing and acquittall of the prisoner, yet they will not take it upon oath, but do leave such testimony and evidence to the Iury to give credit, or to thinke thereof as they shall see and finde cause.

3. Popham chiefe Iustice (at Cambridge Assises *tempore Eli.*) committed

mitted one to prison who upon the trial of a felon called out, that he could give Evidence for the Queene, and when he was sworne he gave Evidence to acquit the offender.

4. In 7. H. 4. we shall finde that one of the Serjeants, as *amicus Curie*, and to informe the Court (that they should note) did shew his opinion to the benefit of a prisoner upon the insufficiency of the Indictment. Stamf. 141. b. co. 4. 39.

5. Now upon the examination of felons, and other like offenders these circumstances following are to be considered: causes of suspicion.

1. His name, { *scil.* if he be not called by divers names.

2. Quality, {

1. His parents, if they were wicked and given to the same kind of fault.
2. His ability of body, *sc.* if strong and swift, or weak or sickly, not likely to doe the Act.
3. His nature, of civill or hastie, witty and subtrill, a quarreller, pilferer, or bloody minded, &c.
4. His meanes, if he hath whereon to live, or not.
5. His trade, for if a man liveth idly or vagrant (*nul- lam exercens artem nec laborem*) it is a good cause to arrest him upon suspicion, if there have beene any felony committed. 7. Ed. 4. 20.

6. His Company, if Ruffians, suspected persons, or his being in company with any the offenders.

7. His course of life, *sc.* if a common Alehouse-han- ter, or riotous in dyet, play or apparell.

8. Whether he be of evill fame, or report.

9. Whether he hath committed the like offence be- fore, or if he hath had a pardon, or beene acquitted for felony before, *Nam qui semel est malus semper presumitur esse malus in eodem genere mali.*

3. Markes
or
Signes. {

1. If he hath any blood about him.
2. If any of the goods stollen be in his possession.
3. The change of his countenance, his blushing, look- ing downe-wards, silence, trembling.
4. His answers, doubtfull, or repugnant.
5. If he offred agreement or composition.
6. The measure of his foot, or horse foot.
7. The bleeding of the dead body in his presence.
8. If being charged with the felony or called theefe, he saith nothing. F. Cor. 24.
9. If he fled, *Fatetur facinus, qui iudicium fugit.*

4. The

1. Place, *sc.* if convenient for such Act, as in a house in a wood, Dale, &c.
2. Time, the yeare, day, and houre, early or late.
4. The fact, 3. Where the offendour was at the time of the fact, and where the day or night before, his businesse, and company there, and witnesse to prove all these.
4. Manner: if willingly by chance, or necessitie.
5. The cause { 1. If former malice.
2. If to his benefit, or what hope of gaine.
3. If for the eschewing of any hurt or danger.
6. The persons, { *Agens*, if principall, or Accessary, Infant, Lunaticque, &c.
Patiens, if against the King, common wealth, Magistrate, maister, &c.

F. Cor. 311.

6. A felon brought before a Iustice of Peace, accuseth others, it is sufficient cause for the Iustice to grant out his warrant for the rest.

7. A man going to execution, accuseth another of felony, it is sufficient cause to arrest him.

Fama.
Br. Faux.
Impris 16.

8. *Communis vox & fama*, that he did the offence, is sufficient cause of suspition, *sc.* where such a felony is done, otherwise not.

9. But yet for the better conceiving what may breed, or give just cause of suspition, marke some of Master *Bractons* rules:

Stamf. 97.

1. For saith he, *Oritur suspitio ex fama, fama vero qua suspicionem inducit oriri debet apud bonos & graves (non quidem malevolos & maledicos, sed providas & fide dignas personas idque non semel, sed saepius: vana autem voces populi non sunt audienda. And therefore where the common proverbe is, Vox populi est vox Dei, it should be, Vox populi Dei, est vox Dei.*

Stamf. 19.

2. *Si furtum in manu alicujus inveniatur, vel sub potestate alicujus, tunc ille in cujus domo vel potestate res furtiva inventa fuerit tenebitur, (nisi warrantum invenerit, qui cum inde defendere possit) for as another saith, Cum adsunt testimonia rerum, quid opus est verbis?*

Stamf. 179.

3. *Si quis noctu cubaverit, in domo solus cum aliquo qui interfectus sit, vel si duo aut plures ibi fuere & hutesium non levaverit, nec plagam a latronibus vel intersectoribus in defensione facienda accipere, nec ostendunt quis de se vel de aliis hominem interfecerit, his casibus mortem dedicere non possunt.*

Ibid.

4. *Si quis in domum suam notum vel ignotum acceperit, qui unius ingredi visus est, vero postea nunquam nisi mortuus, dominus domus si tunc domisit, vel alii de familia qui tunc interfuerunt, pœnam capitalem subibunt nisi forte per patriam fuerint liberati.*

Stamf. 97.
& 179.

5. *Sunt etiam quadam presumptiones ita violenta, ut probationem non admittunt in contrarium, ut si quis cum cultello cruentato captus sit super mortuum*

mortuum vel fugiendo a mortuo, vel mortem confitetur quibus casibus non admittitur mortem dedicere, nec alia opus est probatione.

10. And yet in cases of felony, &c. the confession of the offender upon his examination before the Justice of peace shall be no conviction of the offender, except he shall after confesse the same againe upon his triall, or arraignment, or be found guilty by verdict of 12. men, &c. Co. 11. 30. a. vide.

11. Also in cases of secret murders, and in cases of poysoning, witchcraft, and the like secret offences, where open and evident proofes are seldome to be had, there it seemeth halfe proofes are to be allowed, and are good causes of suspition.

12. Note by the common Law, that in an action of false imprisonment brought against the Constable, or other person that shall arrest another upon suspition of felony, it is no plea for them to say that the plainetiffe was suspected of felony, but he must alledge that there was such a felony committed, and that the plainetiffe was suspected for the same, for suspition onely without a felony committed, is no cause to arrest another. 3 R. 4. 4. 5. H. 7. 4. Br. Faux. imp. 4. 16.

13. Also the defendant must alledge some speciall matter in fact, to prove that he who is arrested, was suspected of felony (as to say) that the party arrested, is a man of evill fame, &c. otherwise every man may arrest one another without cause. 17. E. 4. 5. 21. H. 7. 29.

14. Also by the opinions of *Keble*, *Vavisor*, and *Townsend*, as well the Constable as others in his ayde, may arrest one that is suspected of felony upon the suspition and complaint (made to the Constable) of the party robbed. *2. H. 7. 15. 16. Br. Faux. Imprif. 14.* And although others there be of opinion that the suspition can extend to none other, but only to him that hath the suspition, yet I conceive the opinion of *Keble*, *Vavisor*, and *Townsend*, to be good Law, for if felons may not be arrested, or stayed, but only by those that shall suspect them, and that others may not ayde and assist the party, that shall suspect another to have robbed him, many felons shall escape and goe unpunished to the exceeding great prejudice of the common wealth. 7. E. 4. 10. Br. Faux. imp. 16. 25. 2. H. 7. 15, & 16.

15. But now by the statute of 10. *Caroli* in Ireland. The constable, &c. in the former cases, may plead the generall issue (not guilty) and give the said speciall matters in Evidence. 10. Caroli c. 16. in Ireland.

16. Also if the Constable, or other person shall arrest another upon suspition of felony by vertue of a warrant from a Just. of P. such warrant shall excuse him, it being given in Evidence.

Forceible Entrie and Forceible Detainer. CHAP. 29.

1. **T**He common Law (being the preserver of the common peace of the land) hath alwayes abhorred force as the capitall enemy Crompt. 67.

my thereto. Co. 3. 12. And yet, before the Raigne of King *Richard* the second, the common Law seemed to permit any man to have entred into lands and tenements with force and armes, and also to have kept and detained them with force, where his Entry was lawfull.

15 H. 7. 15.
Br. Force 11.

2. And at this day, if a man doth enter with force (or multitude of people) where his entrie is lawfull, he is not punishable by action either at the common Law, nor (by action) upon any statute, for where the title of the plainetiffe is not good, there he hath no cause of action, although the defendant doth enter with force, but in such case he that entreth with force must be indicted upon the statute of 8. H. 6. or otherwise complaint may be made thereof to the Iustices of peace, and as well upon such indictment, as upon such complaint, the offender shall be punished, but the party (ousted) shall not be restored without indictment.

5. R. 2. ca. 7.
Regist. 182.

3. And for the better restraining of such force, and forceible Entries, and to inflict condigne punishment upon the offenders therein, it was first ordained by the statute. 5. R. 2. that no man should enter into any lands, or Tenements, with force, or multitude (though he had good right, or title to enter) but only in peaceable and lawfull manner.

15. R. 2. ca. 2.

4. But this statute provided no speedy remedy, nor extended to holding with force, nor gave any special power therein to the Iustices of peace, and therefore by a statute made 15. R. 2. it was further provided, that if any man should detaine, or hold with force after such forceible Entrie made, upon complaint thereof he should be imprisoned by the Iustices of peace.

3. H. 6. ca. 9.

5. Yet neither of the former statutes extended to those that entered peaceably, and then held with force, and therefore by the statute. 8. H. 6. it was and is provided that no man shall enter with force, nor detaine (or hold) with force (generally.)

6. Now these two last statutes. 15. R. 2. and 8. H. 6. doe enable any one Iustice of peace, to give present remedy, viz. to remove the force, and commit the offenders in cases of forceible Entrie, or holding against the aforesaid statutes.

7. Also the statute of 8. H. 6. extendeth further, reaching the offenders, if they were removed before the coming of the Iustices, giving the Enquiry and restitution, and also punishing the Sheriffe that shall not obey the precepts of the Iust. in this behalfe.

One Iustice.

15. R. 2. ca. 2.

3 H. 6. ca. 9.
P. 2.

8. Every Iustice of peace, upon complaint to him made, or upon other notice to him given, of any forceible Entrie into, or holding, or detainer of possession of any lands, tenements, or other possessions, or of any benefices, or offices of the church contrary to these statutes, without any examining, questioning, or standing upon the right, or title of either party, ought in convenient time, at the costs of the party grieved to doe execution of these statutes in manner and forme following.

9. First

9. First he ought to goe to the place where such force shall be and he may take with him sufficient power of the County, or Town, by his discretion, and the Sheriffe also, if need be, to aide him, for the better execution of this businesse, *sc.* aswell for the arresting of such offenders, as also for the removing of the force, and for the convaying of them to the next gaole. 15. R. 2. c. 2.

10. He ought to arrest, and remove all such offenders as at his comming he shall see, or finde, touching the force. And may take away their weapons, harnesse, and Armour, and presently cause them to be preised, and afterwards to be answered to the King, as forfeited, or the value thereof. Arrest.

11. If the doores be shut, and they within the house shall deny the Iustice to enter, he may breake open the house to remove the force.

12. But if such offenders being in the house, at the comming of the Iustice, shall make no resistance, nor make shew of any force, then the Iustice cannot arrest, or remove them, except upon the enquiry, a force be found, *See Cromp. 37.*

13. Also if the house or land which is holden with force shall extend into two Counties, and the offenders remove their force into that part of the house or land, which is in the other County when the Iustices doe come, they cannot then remove the force. Cromp. 71.

14. And if the Iustice at his comming shall see or finde a force, and shall remove the offenders, yet he may not upon his owne view, restore the party ousted, to his possession againe without enquiry first made of the force by a Iury.

15. Also the Iustice ought to make a Record of such force by him viewed, which Record shall be a sufficient conviction of the offenders, and the parties shall not be allowed to travers it. Record.
14. H. 7. c.
Co. 3. 121.

16. And this record (being made out of the Sessions by a particular Iustice) the said Iustice may keepe it by him, or he may make it indented, and certifie the one part into the Kings Bench, or leave it with the Clerke of the peace, and the other part he may keepe himselfe. 163. & 375.

17. The forme of the record you shall finde hereafter in the Title of warrants and presidents.

18. Also he ought to commit (immediately) to the next gaole all such persons as he shall finde and see, continuing the force at his comming to the place, there to remaine convict by his owne view, testimony, and record, untill they have paid a Fine to the King; For this sight and view of the force by the Iustice (being a Iudge of Record) maketh his record thereof (in the Iudgement of Law) as strong and effectuell, as if the offenders had confessed the force before him, and touching the restraining of a traverse more effectuell then if the force had beene found by a Iury upon the Evidence of others. Imprison.
21. H. 6. c.
Br. Peace 4.
Co. 3. 129.
P. 2.

19. And yet the words of the statute seeme more large, *sc.* And if he doe finde any that made any such forceible Entrie or that hold

Crompt. 195.

the place with force, &c. he shall commit the offenders to the gaole, &c. But such force must be in the presence, or view of the Iustice of peace, or else he can neither record it, nor yet commit the offenders.

13. H. 7. Croke 41.

20. The forme of the *Mittimus* you may see afterwards in the Title of warrants and presidents.

Fine.

Co. 8. 41. 2. 557.

21. Also the same Iustice of peace, or some of them that shall see the force (as having best knowledge of the matter and of the quality of the offence, and having the custodie of this record (are the proper Iudges over this offence; And therefore may asseſse the fine upon every such offender, and commit him untill he make payment thereof: But the fine must be imposed upon every offender severally and not upon them jointly. And the Iustice ought to estreate the same Fine, and committall, and to send the estreate immediately into the Eschequer, that there the Sheriffe may be charged with the said Fine upon his account.

Co. 11. 43. 2.

Br. Imp. 100.

22. Also upon payment of the said Fine the said Iustice may deliver the offenders out of prison againe by some opinions, but the safest way for the Iustice of peace is to estreate the Fine and committall into the Eschequer and leave the further proceeding therein to that Court.

Crompt. 161.

23. Or the Iustice of peace, by some opinions, may record such force and commit the offenders, and after certifie the record to the Iustices of Assise, and gaole delivery (as it was done at Stafford Assises, Anno 26. Eliz. by the report of Master Crompton) or else to certifie it to the generall Sessions of the peace, (as it seemeth to Master Crompton) and there the offenders may be fined: For saith he, the statute doth not say, that the Fine shall be asseſsed by them that record the force, more than by other Iustices.

24. Or rather the Iustice of peace may certifie, or deliver the record by him made, and referre the fine, and further proceedings therein to the K. Bench, in regard of their supream authority in such cases. And this Master Lambert thinketh to be the safest course.

Inquirie.

25. Also the Iustice of peace notwithstanding his owne view of the force, may and ought in some good towne and place neere where the force was, to enquire by a sufficient Iury of the same County to be returned by the Sheriffe, as well of those which made such forceible Entrie, as of those which made such forceible deteyner.

26. And here note that any one Iustice of peace alone out of the Sessions may make an Enquiry (being so appointed by the statute) whereas otherwise there must be two Iustices at the least, to make an inquiry, or to hold a Sessions, and one of them of the *Quorum*.

27. And this enquiry ought to be made whether the offenders be present, or gone, at the comming of the Iustice of peace, yea this enquiry the Iustice must make, though he goe not to see the place, where the force is, for without this enquiry, there can be no restitution.

28. The

28. The forme of a precept to the Sheriffe, to returne a Jury, and the forme of the Enquiry, Presentment, or verdict, you shall finde in the Title of warrants and presidents.

29. And if upon such Enquiry, such forceible Entrie (or forceible ^{Restitution.} holding, or detainer) shall be found by the Oathes of the Enquirors, then the said Iustice of peace shall reseise the lands and tenements so entred upon, or holden, and thereof put the party in possession againe, which in such sort was put, or holden out.

30. But aswell the putting out as also the holding out must of necessity be found and that by expresse words in the Indictment.

31. And this restitution, the Iustice of peace may make himselfe; Or he may make his warrant to the Sheriffe to doe it: Or else he may certifie such presentment; or indictment taken before him, into the Kings Bench, and so leave the restitution to be awarded, out of that Court.

32. But the Iustices of Assise and gaole delivery, nor Iustices of peace at their generall Sessions, cannot, as it seemeth, make or award restitution, except the Indictment were found before them, but the Iustices of peace only or some of them that were present at the enquiry, and when the indictment was found (they only) have power to make restitution, except the Iustices of the Kings Bench who have a supream authority in all cases of the Crowne. Co. 9. 115.

33. And therefore if the record, *sc.* the presentment of such force shall be certified by the Iustice of peace into the Kings Bench; Or that the same presentment or indictment shall be removed thither by *Certiorari* therethe Iustice of the Kings Bench may award a writ of Restitution to the Sheriffe of the same County to restore possession to the party so expelled.

34. After it shall be found by such Enquiry, that such forceible ^{P.R. 14. b.} entrie, or detainer is made, the Iustice of peace may breake open the house by force, to reseise the same, and to put the party so put out in possession againe: And so may the Sheriffe doe, having the Iustice warrant.

35. The forme of such warrant from the Iustice of peace to the Sheriffe to make restitution you may see in the Title of warrants and presidents.

36. But the Iustice of peace may not, in any wise make restitution without such inquiry first had, and such force thereby found; And if the Iustice shall make restitution without inquiry, it seemeth to be punishable in the Starchamber.

37. Also this restitution ought to be made to none but to him only that was put out, so that if the Father be put out by force and dyeth (after inquiry and before restitution) his heire shall not have restitution.

38. Also such restitution must be made, only where a man is put out, or holden out, &c. of house, or land, and is not to be understood of

of a Rent Common, Advowson, or such like.

39. Also the Iustice may make restitution, notwithstanding any offer of Traverse, but yet upon Traverse rendered the safest way (for the Iustice of peace) seemeth to be, for him to deliver, or certifie the presentment into the Kings Bench, and so to referre the further proceedings therein to them.

40. And although these statutes doe inflict no penaltie upon the Iustice of peace if they shall not execute these statutes, yet (if upon complaint or other notice to them given of such force) they shall not at least remove the force, record it, and commit the offenders, they are punishable in the Star Chamber.

41. Although the Iustice of peace ought to commit to the gaole and may fine all such as he shall see continuing the force at his coming to the place, yet upon a force found by the inquiry only, and not viewed and scene by the Iustice, he may neither fine, nor send to the gaole the said offenders (by the statute of 8.H.6. which appointeth the inquiry) for the Iustice hath power by the said statute to make restitution only as saith Master Lambert, yet Master Crompton holdeth the contrary; But howsoever the Iust. of P. is to remove, the offenders that be present, that so he may restore the other, and may bind the offenders to their good behaviour, and if the offenders be gone, yet the Iustice may make his warrant to take the offenders, and may after send them to the Gaole, untill they have found sureties for their good behaviour.

13.H.4.c27.

Crompt. 68.b.

42. Note that if such forceible Entrie, or detainer, shall be made by three persons, or more, then is it also a Riot, and then (if there be no former enquiry thereof made) the two next Iustices of peace upon notice ought to inquire thereof (as of a Riot) by a Iury within one moneth, upon paine to either of them making default to forfeite 100.l.

Defaults of
Sheriffes.

2.H.6.9.

P.Iust 39.

Rast. 174.c.

43. Also one Iustice of peace may, as it seemeth heare and determine the defaults of Sheriffes and Bailiffes, in not returning sufficient Iurors (whereof every one shall have lands, &c. to the value of Forty shillings by the yeare at the least) before him, to inquire of such forceible Entrie, or detainer, and the said Iustice of peace may proceede therein as well by bill, at the suite of the party grieved for himselfe, as also by indictment only for the King: And the same processe shall be made against such persons indicted or sued by Bill in this behalfe, as should be made against persons indicted, or sued by writ of Trespass with force and Armes against the Kings peace.

44. And though any one Iustice of peace may proceede in every of these former cases of forceible Entrie, or detainer, as aforesaid, yet if two or more Iustices shall joine therein together, it is the better, for *plus vident oculi, quam oculus, & securius expediuntur negotia pluribus* *Commissa. Co. 4. 46.*

Corporate
Towns.

45. Also the Mayors, and Iustices of Peace, and the Sheriffes, and

and Bailiffes of Cities and Burroughes having Franchise, have in the said Cities, townes and Burroughes like authoritie to inquire of such Entries, or putting out, and in other the Articles aforesaid, rising within the same, as the Iust. of Peace and Sheriffes in Counties and Shires have. s.H. 89.
Rast. 174. d.

46. Also every Iustice of Peace to whom a writ upon the statute of North-hampton (concerning the removing of a force) shall bee delivered, ought to execute the same writ, *sc.* hee ought to remove the force, and to certifie his doings therein into the Chancerie. The stat. of
Northamp.
1, Ed. 3. 3.

47. And for that the Iustices of peace, to whom this writ shall be delivered, is herein but a minister, and is to certifie that which he shall doe therein, I will here set downe the manner how hee shall proceede to execute this writ:

1. When the Iustice of Peace shall come to the place where the force is supposed by this writ, he may cause three Oyes for silence to be made, and then he may make Proclamation in the Kings name to this effect. The Kings Majesties Iustice of Peace straightly chargeth and in his Majesties name commandeth all and every person to keepe silence, whilst his Majesties writ, &c. be read, and proclamation be thereupon made accordingly.

2. Then may he read, or cause to be read, the writ, or may declare the effect thereof.

3. Then let three other Oyes be made, And thereupon make proclamation againe as followeth:

His Majesties said Iustice doth in his Highnesse name and by vertue of his Majesties writ, straightly charge and command that no manner of person of what estate, degree, or condition soever, now being within the house of B. &c. (named in the said writ) shall goe armed or keepe force of armour, or weapon, nor doe any thing there, or elsewhere, in disturbance of his Majesties peace, or in offence of the stat. made at North-hampton, in the 2. yeare of King E. 3. upon paine of loosing his said armour and weapons, and of imprisoning his bodie at his Majesties pleasure.

God save the King.

4. Then the Iust. of P. may enter, and search whether there be any force of Armour, or weapon worne or borne, against this proclamation, or otherwise, he may inquire thereof by a Iury, for so the writ it selfe doth warrant him; And if after proclamation any such be found, he ought to imprison the offenders, and to seise to the Kings use and preise (by the oathes of some present) the armour and weapons so found with them, and the offenders so imprisoned are to remaine in prison untill that some other commandement bee given concerning them from his Majestic, *viz.* by writ out of the Chancerie.

5. But if upon the Proclamation made they doe depart in peaceable manner, then hath the Iust. no warrant by the writ to commit them

them to prison, nor to take away their Armour.

Crompt. 74.
162.

6. But when the Iustice hath removed the force (upon his writ) he may not put the party that was put out, in possession againe, for if he doe, it seemeth both the Iustice, and the party also are punishable in the Star chamber, for the writ doth authorish the Iustice onely to remove the force, and not to make restitution.

48. The forme of this writ upon the statute of North-hampton you may see in *Fitz. N. B. 249.*

Without writ.

49. The forme of the certificate, or returne into the Chancery of this writ, you may see after in the Title of warrants and presidents.

2. Ed. 3. 3.
P. Armour. 1.

50. Also every Iustice of peace (*ex officio*) and without any writ may doe execution of this statute of North-hampton, and that as well by force of the commission, as also of the said statute.

51. The manner to execute this statute, by the Iustice of peace (*ex officio*) seemeth to be all one, as before, where he hath a writ delivered him, saving that when he doth this *ex officio* and without writ, he needeth not to make any proclamation, nor to send any certificate into the Chancery. But the Iustice may goe to the place where the force is, and if it be in a house may enter, and search if any force of Armour, or weapon be worne and borne against this statute. And if any such offenders be found, he may commit them to prison and may seise and preise the Armour and weapon so found with them, and he ought to record all that which he shall doe in this behalfe and the same to Estreate into the Exchequer that the King may be answered of the Armour, or of the value thereof.

52. But here againe the Iustice must not make any restitution of the possession to the party ousted but must only remove the force.

Crompt. 160.

53. And concerning the offenders so found, and committed by the said Iustice of peace, it seemeth the Iustice at his discretion may fine them, and upon payment thereof, may deliver the offenders, even as in the former statutes of 15. R. 2. & 8. H. 6. Or else the said Iustice may record such force, and commit the offenders and after certifie the record into the Kings Bench or to the Iustices of gaole delivery, or to the generall Sessions of the peace, but if he commit and fine the offenders he must Estreate the same into the Exchequer.

54. So that these statutes doe now give full remedy, and doe prohibit, and are made against these three degrees or sorts of force, *viz.* against

Fitz. 248. c.

1. Such as enter peaceably, and then hold forceibly.
2. Such as enter with force, and then hold peaceably.
3. Such as doe both enter forceibly, and hold forceibly.

55. Now it is requisit to show how the Iustice of peace shall demeane himselfe in the execution of these statutes; I will therefore proceede to give him some further light in these seven particulars following:

1. First what is a forceible Entrie, and what is a forceible holding within the meaning of these statutes.
2. Who may commit a forceible Entrie, &c. and upon whom.
3. Where a force or forceible holding is justifiable or lawfull.
4. What, and how many severall remedies the party hath that is so put, or kept out of his possessions.
5. The manner of proceeding of the Iustice of peace by Enquiry.
6. Of restitution to be made to the party so put out, by whom and to whom.
7. What causes there may be for staying the Iustice of peace from making restitution.

What is a forceible Entrie or holding within these statutes.

CHAP. 30.

1. **O**ur Law taketh knowledge of two manners of force, the one may be termed a force in judgemēt of Law, which accompteth every private Trespasse to be a force, so as if I doe but passe over another mans ground without licence, he may have his action of Trespasse against me, *Quare vi & armis, &c.*

2. The other manner of force is more apparant, and alwayes carryeth some fearefull shew, and matter of terror with it.

3. This last sort of force is, that which is prohibited by these statutes, and therefore note that every force, punishable by these statutes must have one of these two badges, *sc.* it must be either *Manusforti*, or *multitudine*.

4. *Manusforti*, *sc.* either with apparent violence (in deed, or word) offered to the person of another: as threatening speeches, turbulent behaviour, or actual violence; or else that they be furnished with offensive weapons, by them not usually borne; and this may be done by one person onely. Dalton p. 177.

5. *Multitudine*, *sc.* with company more than usually they have attending on them, 10. H. 7. 12. The law properly calleth it a multitude, when there be three or more in one company.

6. If therefore one, or more persons shall come weaponed (especially with weapons not usually borne) to a house or land, and shall violently enter thereinto, this is a forceible Entrie within the meaning of these statutes. Forceible Entrie.

7. Much more if (being so entred) hee or they shall there offer violence, or feare of harme, to the person of any that is in possession thereof; most of all, if he or they shall forceibly and furiously expell and drive another out of such his possession. Dalton p. 177.

8. So is it if one shall enter peaceably (the doore being open, or onely latched,) and after he is in the house, he shall forceibly put another out of his possession. Dalton ibid.

Dalton ibid.

9. So is it if he or they that shall enter peaceably, shall after their Entrie offer apparant violence, threatnings, or feare of harme to the person of any that is in possession, to the intent to get him out, and to make him leave the possession, though they doe not put him out of possession, much more if they get the possession thereby.

Dalton p. 178.

10. If he or they that have entred peaceably, shall after use words to any in possession to this effect, as to say they will hold or keepe it, though they die for it, or in spight of the other, or such like, or other threatening words, this maketh it a forceible Entrie.

Crompt. 69.

11. So it is if diverse persons shall come with weapons (not usually borne by them) to a house that is open, or to ground, and shall there enter peaceably without any disturbance, yet this is a forceible Entry, for it shall bee intended that they would have used force, if they had been resisted.

10. H. 7. 12.
Br. force 96.

12. So it is when the Master entreth into an house or land, being attended with a greater number of servants than usually doe wait on him.

Dalton ibid.

13. Note that though a man doe actually use no force in his Entry, yet if he doe come so appointed, either with weapon, or company that other men may be reasonably afraid that he mindeth to make his way by force, rather then he will faile of his purpose, it seemeth to be a forceible Entrie.

A trespassse.
Dalton ibid.

14. Also it seemeth that every Entrie into another mans house, or ground which is made with force (*sc. manus forti, or cum multitud.*) either with apparant violence offered to the person of any other, or furnished with weapons, or company which may cause feare) though it be but to cut, or to take away another mans Corne, grasse, or other goods, or to fell or crop wood, or to doe any other like trespassse, though he doe not put the partie out of his possession, yet it seemeth to be a Forceible Entrie, punishable by these statutes.

Dalton ibid.

15. But if the Entrie were peaceable, and after such Entry made, they cut or take away any other mans Corne, grasse, wood or other goods without apparant violence, or force, though such Acts are accounted a Disseisin with force, yet they seeme not to be punishable by these statutes: *sc. the Iustices of peace are not to remove, imprison, or fine such offenders.*

Crompt. 70.
11. H. 4. 16.

16. Also if one or more shall enter into another mans house, or land peaceably, and after his or their Entry, shall by force or violence, cut or take away any Corne, Grasse, or wood, &c. or shall forcibly and wrongfully carry away any other goods there being, this seemeth to be a forceible Entry punishable by these statutes.

20. H. 6. 11.

17. So is it if a man shall distraine with force for a Rent (be it due or not due) this doth countervaille an Entry with force. *Br. Forc. 1.*

Dalton ibid.

18. And in these cases of Trespassse onely, the Iustice of peace (upon complaint to him made) may, as it seemeth, remove such force and upon view thereof, may imprison and fine such offenders.

19. If

19. If a Disseisor hath entred peaceably, and being entred shall presently threaten to kill the Disseisee, if he reenter, this seemeth a Forceible Entry in the Disseisor. By words. Dalton pa. 179.

20. But note, that a Forceible Entry cannot be without an actuall Entry, for the words of the statutes be, whoſoever doth enter, &c. 2. H. 7. c. 16. Br. force 35.

21. Note also, if one that hath right to enter upon land, shall goe with divers in his company, and with weapons over the land where-to he hath right, to the Church, Market, or some other place; this is no Entry with force, except hee shall expresse his intent, that hee doth enter there, claiming the land. Cromp. 70.

22. Note also, that if a man shall enter with force (into house or land) although he obtaineth not, nor getteth the actuall possession thereby, yet shall he be imprisoned and fined, for the onely entring with force, as it seemeth, see the statutes in the margent, but Restitution is not to be made, but onely where there is a putting out, and a holding out of another out of his possession. 5. R. 2. ca. 1. 15. R. 2. ca. 1. 2. H. 6. ca. 9.

23. If by faire meanes, a man (whose Entry is lawfull) shall persuade or intice them which are within the house, to come out, and then (the doore being open, or shut by the latch onely) he shall enter peaceably, without multitude, offensive weapons, or other violence; this Entry seemeth to be justifiable. Lawfull. Dalton pa. 179.

24. So is it, if he shall enter peaceably, and then by gentle persuasions can send them out that are within the house, and after shut the doore, and keepeth them out, this seemeth justifiable, so that afterwards he holdeth it not forceibly, nor useth violence or threatening speeches. Dalton ibid.

25. So it is, if I shall take a man being out of his house, and then I doe put or send into the house my servant, or some other, in peaceable manner, and doe hold away the other by imprisonment of his person; this is no forceible Entry, nor deteyner within these statutes, but a false imprisonment punishable by action only. Dalton ibid.

26. So it is, if he whose Entry is lawfull, shall enter peaceably into his house (the doores being open, or shut by the latch onely) and being so entred, shall continue and abide there peaceably; this is justifiable: And if they which were before in possession shall put or thrust him out forceibly: this is a forceible deteyner of their parts. Dalton ibid.

27. Forceible Deteyner, must be understood of a forceible deteyning of the possession of lands or tenements, and not of the person of a man as before. Forceible deteyner. Dalton ibid.

28. Note also, though the Entrie were at the first peaceable, and lawfull, yet if there be after a holding by force, it is punishable by the statute, except where there was at the first a lawfull and peaceable entry, and thereupon a lawfull possession, peaceably continued by the space of three yeares together without interruption, for there

a man may hold and keepe such possession with force against all others, saving against the Kings officers.

P.R. 41.
Crompt. 70.

29. If the Iustice of peace shall come to the place or house, that is supposed to be holden with force, and there shall finde the doores or gates shut, and he or they within shall deny him to enter, or will not suffer him to enter, this is a forceible holding or detainer, though there be no weapons shewed or used, and though there bee but one person in the house or upon the ground.

Ibid.

30. So it is, if when the Iustice of Peace entreth the house or ground, he shall finde there any persons in harnesse, or otherwise armed, or having harnesse, armour, or other weapons, not usually borne by them, lying ready, this is a forceible Detainer.

Ibid.

31. So it is if the Iustice of Peace shall find in the house any great number of people, other than the ordinary family, or companie.

P.R. 41.

32. Also, if a man shall enter peaceably into a house, and after shall bring into the same more weapons than he and his ordinary family doe usually weare, or shall make any use of such weapons as he doth find in the house, to defend his possession therewith, these are forceible Detainers within these statutes.

Ibid.

33. If a man that hath peaceably entred into an house, will bestow men with force (*scil.* with harnesse, guns, or other weapons, in some other house or place, not farre distant) to the intent that they may be ready to assault such as shall enter upon him, this is a detainer with force.

Crompt. 69.

34. So is it if the disseisor of a house or land, shall forestall the way of the disseisee, with force and Armes, so that the disseisee dareth not enter nor come neere thereto for feare of death, &c.

Dalton pag.

P.R. 39.

35. So is it if a man shall keepe his cattell in another mans ground by force, claiming Common there, when he hath no Common, in this case, the Iustice of peace upon complaint to him made may remove this force; And upon view thereof may record it, and may commit such offenders to prison, and may fine them, but cannot award restitution.

By words

36. Also there may be a forceible detaining of possession by word only without any forceible Act.

Crompt. 70.
P.R. 39.

37. As if A. hath wrongfully (though peaceably) entred into the house or upon the land of B. and hath put out B. and shall presently threaten, or say to B. that if he doe come thither againe to enter he will kill him. This seemeth a forceible Entrie by A. and if B. shall afterwards come againe to make his Entrie, and then A. shall threaten to kill him, if he entreth there, this is a forceible detainer in A.

38. And it seemeth that to threaten to maim, beate, or to doe other bodily hurt to B. in the case aforesaid amounteth to a forceible Entrie, or detainer, for that death may ensue upon such beating, or hurt, See 39. H. 6. 50. 7. E. 4. 21.

39. H. 6. 50.

39. But to threaten to burne the house, or to spoile his goods therein

therem (if B. shall come thither to enter againe) this seemeth not to amount to any such matter, for that B. may afterwards have his action for the burning of his house, or spoiling of his goods, and shall thereby recover damages to the value thereof, &c. Br. Dures, 9. 12. 16.

40. Also when B. shall come to make his Entrie as aforesaid, if A. shall say to him that he will not open the doore, this is no forceible detainer. Crompt. 70.

41. So it is if A. be in possession of a house, or hath a lease thereof at the will of B. and after B. entreth into the house and commandeth A. to goe out, and to leave him the possession, and A. will not goe out, this is no force, for refusing, or denying only to goe out, is no force, unlesse there be withall some forceible Act or threatening speeches, *ubi factum nullum ibi fortia nulla*, where there is no fact, there is no force. *Co. 4. 43.* Crompt. 73.

42. A morgageth his house to B. upon condition, that if A. shall pay to B. such a day 40. l. then the said morgage (and feoffment to be voide) and by agreement of them both A. the morgager continueth the possession untill the day of redemption, at which day A. payeth not the 40. l. and after B. cometh to reenter, and A. keepeth the possession by force, this is a detainer by force in A. by the opinion of Master Richard Godfrey in a case betweene *Willowes* and *Thurger*, which opinion I conceive to be good Law, for the possession of the morgager, after the morgage by agreement was in Law the possession of the morgagee. Dalton pa. 181.

43. The disseisor maketh a gift in Taile to B. who keepeth the land with force at the time when the disseisee maketh his claime, which claime is made within the view, so neare as he dareth, for feare of death, battery, or other bodily hurt, if B. after such claime shall continue the possess. with force, he may be thereof indicted, for this amounteth to a new Entrie and a detainer with force by B. Crompt. 69. Litt. 439.

44. And note that wheresoever mine Entrie is lawfull, if the possess. be detained or holden from me by force, I may pray the aide of the Iustices of peace to remove such force as it seemeth. Dalton, pag. 181.

45. If a man hath a Rent or common of pasture out of another mans land, and comming to distraine for his rent or to use his common, he is so forceibly resisted by the Tenant of the land, that he cannot, or dareth not, either distraine for his rent or take the benefit of his common. This is a holding with force in the Tenant, and punishable by these statutes. Rent. Crompt. 70. P. R. 63. Dalton pa. 181.

46. So it is if the Tenant of the land shall forestall the way with force and Armes, or shall threaten him (that hath the rent or Common) so that he dareth not to come to distraine for his rent, nor to take his Common. Crompt. 69.

47. So it is if a man shall distraine for his rent, and the Tenant of the land shall make rescous with force and Armes. Ibid. Dalton 181. &

48. And in these cases (of a rent or common) the Iustice of peace upon 181.

upon complaint to him made, may remove such force, and upon view of such force may record it, and may therefore imprison and fine such offenders, but cannot award restitution, *sc.* cannot restore the party to his rent or Common (which are to be taken and used in another mans land) for restitution is not to be made, but only of the house or land as you may see hereafter in its proper place.

Who may commit a forceible Entrie, &c. CHAP. 31.

The persons.

Dalton 182.

Crompt. 69.

Dalton 181.

Dalton ibid.

Crompt. 69.

16. Aff. 7.

Br. Imprif.

45. 53.

See more after
in the title riot.

2. H. 7. 16.

Br. force 35.

Consent.

Dalton, 182.

Dalton 183.

1. **O**NE person alone may commit or make a forceible Entrie or detainer, if so be he doe it with offensive weapons, or doe use turbulent behaviour to the terror or Affray of others.

2. An infant of the age of Eightene yeares, by his owne Act may commit a forceible Entrie, or detainer, and so he may though he be under Eightene, yet it shall be good discretion in the Iustices of P. to forbear the imprisonment of such Infants. See *Br. Imprif.* 43. 45. 75. 101.

3. But if an infant commandeth another to enter or hold with force to his use, which is done accordingly, yet the Infant shall not be punished for such offence, for his commandement therein was voide.

4. Also a feme Covert, by her owne Act, may commit a forceible entry, or detainer, and upon the Iustices view of the force, she shall be imprisoned (and it seemeth also she may bee fined in such case) But such fine set upon the wife shall not be levied upon the husband, for the husband shall never be charged for the Act or default of his wife, but when he is made a party to the action, and judgement given against him and his wife. *Co. 9. 72. & Co. 11. 61.*

5. Diverse doe enter with force to the use of A. who is not then present with them, but doth after agree thereto, this agreement after maketh A. to be a disseisor, but not to be punished for the force, and if A. had counselled, consented, or agreed thereto before the Entrie, yet it seemeth that a commandement, consent, or agreement before or after, though it may make one a disseisor, yet it is not to be punished by the Iustice of peace upon these statutes, for that a forceible Entrie cannot be adjudged against a man, without an actuall Entrie be also made by him, or that at least he be present.

6. But if A. that shall command or counsell others thereto, shall also be present at the time of the Entrie, although he doth then nothing, yet he is now become a principall and punishable by these statutes.

7. If diverse doe come in one company, to enter into lands, &c. where their entry is not lawfull, and all of them saving one did enter, and demeane themselves in peaceable manner, and one only doth enter with force or (after entry made) doth use force and violence, this shall be adjudged a forceible Entrie in them all, although the force were

were against their wils, for where diverse doe come in one company to any place, to the intent to doe any unlawfull thing, be it robbery, homicide, ryot, affray, or any trespassse, here every one of them shall be adjudged a principall doer, although they stand but by and doe nothing: So it seemeth though some of them come without any intent of evill, if they came together in company with the other offenders, or if they came after, yet if they be either ayding, or countenancing to the offenders, they shall be also adjudged principall doers aswell as the other.

8. An Indictment upon the statute of 8.H.6. for the King, is not good, for the King cannot be disseised, nor put out of his freehold, neither can the King bring any action upon the statute of 8.H.6. nor any other action which might prove him out of possession of the land.

9. And if the K. termor be put out by force, he cannot preferre a bill of indictment upon the statute of 8.H.6. that he was put out and the King disseised. But he must have an Information of Intrusion in the Exchequer.

10. Yet it seemeth that upon complaint made to a Iust. of peace by the K. termor of any such force, the Iustice of peace ought to remove the force, and upon his view thereof, to record it, and to commit the offenders to prison, and may fine them, and after such force removed, the Kings termor may presently reenter (if he can) in peaceable manner.

11. If a forceible entry, or detainer shall be made upon any Lessee for yeares, Tenant at will, or upon a Coppholder whether it be by an estranger, or by the lessor, or by the Lord, the Iustices of peace upon their view thereof are to remove such force, and may commit to prison the parties which made such entry, or which shall hold it with force, and may fine them, but whether the Iustice of peace may make such restitution and set them, *sc.* the Lessee for yeares, Tenant at will, or Coppholder into their possessions againe hath beene much questioned: But now by a statute made in Ireland in 10. *Caroli ca. 13.* restitution shall be made to Tenant for yeares, Tenant at will, Coppholder, Tenant by Elegit or statute merchant or of the staple.

12. Some held opinion that before this statute the Iustice of peace may put them in possession againe, and of this opinion was Maister Marrow, and Maister Lamb. and to maintaine this opinion these reasons may be given.

1. First, for that the words of the statutes seeme to warrant it, for the statute 15.R.2. in the Preamble thereof, as also the stat. 8.H.6. in the body thereof hath this word (possessions) which word most properly doth extend to a lease for yeares, &c.

2. Again, that clause of the stat. 8.H.6. which provideth for the restitution is thus, if it be found that any doth contrary to this statute, then the said Iustice, &c. shall put the party so put out in full possession, &c.

13. Now

Co. 11. 33. 34.
Pl. 178.

13. Now it cannot be denied, but that he which by force expulseth Lessee for yeares, tenant at will, or a coppiholder doth contrary to this statute, also they bee the parties put out, and the same mischief and inconvenience which these lawes do labour to remove, is to Lessee for yeares, tenant at will, and to the coppiholder; And we may finde it usuall, that where statutes are made for to remedy any common mischief there (to help things in the same degree) one action, thing, place, and person, hath in construction beene taken for another, and a good expounder (saith Sir Ed. Co. 11. 34) maketh every sentence to have his operation to suppress all the mischiefs before the said Act, and principally those that are specified in these acts.

Co. 1. 7. & 12.
& 73.

14. And againe saith he, it is the office of the Iudges alwaies to make such construction of statutes as may repress the mischief, and advance the remedie, and to suppress all evasions which may continue the mischief, and to adde force and life to the cure, and remedie, according to the true intent of the makers of the statute. Co. 11. 73. 6. & Co. 3. 7.

Rast. 174.

Co. 1. 19. b.
& 2. 117.

15. Others held the contrary, sc. that Lessee for yeares, nor a coppiholder, or tenant at will cannot have restitution by the hands of the Iustice of Peace, and this was the common opinion, their reason is, for that the words in the statute of 8. H. 6. (in that clause which specially provideth for the restitution) are thus, The said Iustices, &c. shall reseise the said lands or tenements, and thereof shall put the party so put out in full possession, &c. which words (lands or tenements) are only to be understood of them that have inheritance, or a freehold at the least, but to this it may be answered, that the said statute of 8. H. 6. in the body thereof hath these words, where any doe make any Forceible Entry into lands, tenements, or other possessions, or them hold forceibly, &c. which words, possessions extendeth to a lease for yeares, &c. And then the words (possessions) being in the same statute, we shall find that a statute is to be expounded upon all the parts thereof together, and not upon one part alone by it selfe, to which purpose, see Lincolne Colledge case, and Doctor Donhams case, in Sir Edw. Cokes Reports.

Crompt. 161.

16. But it seemeth to those which hold this last opinion, that if a Lessee for yeares, Tenant at will, or a Coppiholder, be forceibly put out, or held out by an estranger, if they will have restitution, their indictment must be made and preferred in the lessor or Lords name, and the Iury must find that the Lessor or Lord was disseised, &c. and then the Lessor or Lord shall have restitution, And so by their restitution, their Lessee or Coppiholder is restored also. But such Lessee or Coppiholder cannot (say they) preferre an indictment in their owne name upon the statute 8. Hen. 6. for that they have no Freehold.

Crompt. 249. 2.

17. And to that purpose I find some presidents of indictments in this

this forme, *viz. in unum messuag. apud &c. ad tunc existent. liberum tenementum. M. D. armiger vi & armis, &c. Mansforti & illicitè tunc inde expulerunt & ejecerunt & pref. M. D. inde injuste disseverunt.*

18. And by this opinion if a Lessee for yeares, tenant at will, or a Coppholder be forceibly put out by their Lessor or Lord, such Lessee or Coppholder hath no remedy at all by indictment upon this statute, for they have no Freehold, and therefore can have no restitution upon this statute.

19. Also by this opinion if the Lessee for yeares be put out by his Lessor, and after the Lessee putteth out the Lessor againe forceibly, the Lessee shall not be indicted, neither shall the Lessor have restitution upon this statute, for that the Lessor is not ousted nor disseised of his Freehold, for the possession of the Lessee is such a seisin of the Lessor of his Freehold, that he may have an Assise, if his Lessee be put out; And so of a Coppholder, not having forfeited his estate, if his Lord notwithstanding shall enter upon him, and put him out, and the coppholder shall reenter upon his Lord with force, the Coppholder shall not be indicted, nor yet the Lord restored, *causa qua supra.*

20. And so by this last opinion, the very mischief specified and intended to be helped by these statutes, should seeme still to remaine in all cases betweene such Lessees, and Coppholders, and their Lessors or Lords, so as there can be no inquiry, nor restitution, in cases of Forceible Entry or detainer betweene them.

21. But howsoever the law be taken for the indictment or restitution thereupon, yet in case that Lessee for yeares, tenant at will, or a Coppholder be forceibly put out, or held out, either by a stranger, or by their Lessor, or Lord, the Iustices of Peace, or any one of them by the statute *15. R. 2. c. 2.* may safely remove the force upon view thereof, and may commit the offenders to prison, and then the Lessee for yeares, or Coppholder may presently reenter, if peaceably they can so doe, and so may have his possession againe without any restitution made him by the Iustices.

22. But these statutes are now by a statute made in *10. Caroli* 10. Caroli c. 15 in Ireland. clearly explained, which statute ensues in these words, *viz:*

Whereas there is one good Act made and established in England in the eight yeare of the raigne of King Henry the sixt, against such persons as should make forceible Entries into lands, tenements, and other possessions, or them should forceibly hold, and one very good proviso; or clause in the said Act contained, as ensueth, *viz.* Provided alwayes that they which keepe their possessions with force in any lands and tenements, whereof they or their ancestors have continued their possession in the same by three yeares or more, be not endamaged by force of the said statute. And whereas diverse of the Kings Majesties good and loving Subjects and their Ancestors, or those whose estate they have for many yeares together above the space of

three yeares, or more, have beene in quiet possession of their dwelling houses, and other their lands and possessions, and now of late divers of his Majesties said Subjects having Entries made upon their possessions, having had such quiet and long possession, for disturbing of such Entries, and for keeping of their possession against such enterers, by colour of Indictments of forceible Entrie or forceible keeping possession found against them, by meanes of the oathes of such enterers, have beene removed and put out of their dwelling houses and other their possessions, which they have quietly held by the space of three yeares together, or longer time, next before such indictments found against them, against the true meaning and intemt of the said *proviso*, or clause contained in the said Act, for remedy of which inconvenience and for true declaration and explanation of the Law therein, be it ordained, declared and enacted by the authority of this present parliament that no restitution upon any indictment of forceible Entrie, or holding with force, be made unto any person, or persons, if the person or persons so indicted hath or have had the occupation, or hath or have beene in the quiet possession by the space of three whole yeares together next before the day of such indictment so found, and his, her or their estate or estates therein not ended, nor determined which the party indicted, shall and may alledge for stay of restitution, and restitution to stay, untill that be tryed if the other will deny or traverse the same. And if the same allegations be tryed against the same person or persons so indicted, then the same person or persons so indicted to pay such Costs and damages to the other party, as shall be assessed by the Iudges or Iustices, before whom the same shall be tryed, the same Costs and damages to be recovered and levied as is usuall for Costs and damages contained in Iudgement upon other Actions. And be it further enacted by the authority aforesaid, that such Iudges, Iustices, or Iustice of peace as by reason of any Act, or Acts of Parliament, now in force, are authorized and enabled upon enquiry to give restitution of possession unto the Tenants of any estate of Freehold, of their lands, or tenements, which shall be entred upon with force, or from them withholden by force, shall by reason of this present Act, have the like, and the same authority and ability from henceforth (upon indictment of such forceible Entries, or forceible withholding before them duely found) to give like restitution of possession unto Tenants for Terme of yeares, Tenants by Coppy of Court Roll, Guardians by Knights service, Tenants by Elegit, Statute Merchants, and Staple, of lands or tenements by them so holden, which shall be entred upon by force, or holden from them by force. And be it further enacted by the authority aforesaid, that all and every Iustice and Iustices of Assize, shall for ever hereafter in their severall circuits respectively have the like power and authority, to all intents and purposes to inquire, heare and determine of all forceible Entries, and forceible holding, and all other offences as-
well

well against the said statute of *Octavo* of King *Henry* the sixt, as against this present statute, and to award restitution of possession in all cases, as any other Iudge, or Iustice, or Iustices of the peace could, or may doe by this Act, or by any other Statute of force within this Realme.

23. Now to shew something more what the Law accompteth to be force, and what weapons be offensive in these and the like cases *Weapons.* Master *Bracton* saith, *Omnes illos dicimus armatos, qui habent cum quo nocere possunt*; and therefore to have harnesse, guns, Bowes and arrowes, Crosbowes, halberts, Iavelins, bils, clubs, pikes, pitchforkes, or swords, not usuallly borne, by the parties, shall be said to be *vis armata*. *Dalton 186.*

24. Againe, *Si quis venerit cum armis, & dejecerit, vis tamen armata dicitur, sufficit enim terror armorum, Si quis venerit sine armis, & in ipsa concertatione, ligna sumpserit fustes, aut lapides, vis dicitur armata.*

25. And so to use casting of stones, hot coales, scalding water, or lead, or any other thing wherewith one may hurt the person of another, shall be said to be *vis armata*.

26. Next where a force, or forceible defence is justifiable and where not. *Lawfull force.*

27. Force being opposed against the Law, is utterly forbidden but being used in the maintenance of the Law, and with the warrant of Law, it is allowed, for that it mainetaineth the peace of the realme. *P.R. 41. Dalton 186.* And therefore force may lawfully be used by all the Kings officers, ministers, and subjects thereunto deputed, for the execution, or advancement of Iustice, or of the judgements of the Law.

28. And so first it is a lawfull force, whereby all offenders in *Ibid.* Treason, felony, and other great crimes, be pursued, apprehended, carried to prison, and receive their condigne punishments.

29. It is also a lawfull force whereby the Sheriffe and his officers *Ibid.* doe apprehend any person by vertue of the Kings writ.

30. And so it is a lawfull force whereby Iustices of peace doe remove unlawfull entries, or holdings of possessions, and repress Ri- *3.H.7. Br. Riou 73.* otters, and doe arrest and send to prison such offenders: And in these and the like cases, the Kings officer, (*scil.* the Sheriffe, Iustice of peace and Constable) may take the helpe of others, what number they shall thinke meete to assist them, when need shall require.

31. Also it is a lawfull force which Iustices of peace, Sheriffes, *Dalton 186.* Coroners, and Constables, shall use in apprehending, or committing to prison such as within their severall jurisdictions and in their presence, shall in any sort breake, or attempt to disturbe, or breake the peace, and they may therein take the assistance of others as afore said.

32. Also in these cases following, it is lawfull for the K. officers, *P.R. 41.* by force to breake open a mans house, to arrest offenders being therein, if the doores be all shut, so as the officer cannot otherwise enter the house, *viz.*

33. For the apprehending of any person for treason, felony, or sus- *co. 3. 92.* pition of felony or Treason. *13.E.4.9. Br. Coron. 159.*

Dalton 187.

34. Where one hath dangerously wounded another, and then flying into an house, the Constable or other officer upon fresh suite may breake open the doore, and apprehend the offender, and so may any other person besides the officer, as it seemeth. 7.E.3.19. *Crom.* 171.

Ibid.

35. Where there shall be an affray made in a house, and the doores shut, the Constable, &c. may breake into the house to see the peace kept.

Ibid.

36. So upon a forceible Entrie, or detainer found by Inquisition before any Iustice of peace, or viewed by the Iustice himselfe, or the Sheriffe by his warrant may breake into the house to apprehend the offenders.

Ibid.

37. Upon a *Capias utlagatum*, in any personall action, as also upon a *Capias pro fine* directed to the Sheriffe, the Sheriffe may breake open the doores, &c.

Ibid.

38. Upon a warrant for the peace or good behaviour, the Constables may breake open the house, by the opinions of *Popham* and *Clerke*, Iustices of Assise at Cambridge Assises. 3. *Iac. Reg.*

Co. 5. 91.
13. Ed. 4. 9.

39. Lastly, in all cases where the K. is a party, or hath Interest in the businesse, the officers may breake open the doores as aforesaid; For no mans house shall be a Castle against the King. Co. 5. 91. And yet the Sheriffe nor his officers may not breake open any mans house to execute the Kings proces, upon the body or goods of any person at the suite of any subject. Co. 5. 92. 95.

40. But when a house is recovered by any reall action, or by *ejectione firme*, there the Sheriffe may breake the house and deliver seisin or possession to the demandant or plaint, for after judgement it is no more (in the right or judgement of Law) the house of the tenant or defendant. Co. 5. 91.

Co. 5. 91.

41. But note that the officer, before he breake open the house or doores of any person, he must first signifie the cause of his coming, and desire that the doores may be opened unto him.

Co. 5. 91. &c.

11. 82.

21. H. 7. 39.

Forceible de-
fence lawfull.

42. Note also though no man may forcibly keepe his house against the Kings officers in the cases aforesaid, yet every mans house is to himselfe, his familie, and his goods as his Castle, as well for his defence against injury and violence, as also for his repose and rest. And therefore the Law doth give to dwelling houses diverse priviledges.

1. First, that it is a mans Castle for his defence as aforesaid.

2. Also a mans house hath the priviledges to protect him against any arrest by force of any processe at the suite of any subject as aforesaid.

Co. 11. 8.

3. A mans house in some cases hath a priviledge against the Kings prerogative, for it hath beene adjudged that Saltpetern men cannot dig in the mansion house of any subject without his assent, in regard of the danger that may happen thereby in the night time to the owner, his familie and goods, by theeves and other malefactors. Co. 11. 82.

4. If

4. If Theeves shall come to a mans house to rob, or murder him, he may lawfully assemble company to defend his house by force, and if he or any of his company shall kill any of them in defence of himselfe, his familie, his goods or house, this is no felony, neither shall they forfeite any thing therefore. Co. 5. 91. & 11. 82.

5. Also a man that is in possession of a house peaceably and doubteth that another (who indeed hath more right to the possession, and who may enter) will enter upon him, here he which is in possession may defend and keepe his possession of the house with his ordinary company, and may justifie to beate the other which shall attempt to enter upon him. But if he kill him, it is felony, nay he in possession (in this former case) may not hire any strangers to aid him, neither may he have his owne ordinary company in armour, nor otherwise be provided with Bowes, or guns to shoot at the other as it seemeth. Crompt. 70. d.

6. Also if a man being in his house, doe heare that another will come thither to beat him, he may lawfully assemble his neighbours and friends, &c. to assist and ayde him there, in the defence of his person. In defence of his person. 21. H. 7. 39. Br. Riots 1. Co. 11. 82.

7. And yet if he or any of his company shall kill the other, or any of the other company in such defence of himselfe or his, this seemeth to be such a felony in all of them which be in the house, and in that action, that they shall forfeit their goods thereby. Dalton 188.

43. But if a man be threatned that if he come to such a place, that then he shall be beaten, in this case hee may not assemble any company to goe thither to safeguard his person: for there is no necessity of his going thither: Besides, he may have surety of the peace against such as threatned him. 21. H. 7. 39. Co. 11. 82.

44. If there be an attempt made to beat a man, his wife, father, mother, or any of his children (within age) he may lawfully use force to resist it, and may justifie the beating of the other in such case. In defence of others. Dalton 188.

45. Also the servant may justifie to beat another in defence of his master. Br. Trespas. 217. 21. H. 7. 39. 2.

46. Also a man may justifie to beat another in the defence of the possession of his goods, and if another hath taken away my goods, I may take them againe from him with force. In defence of his goods. Crompt. 65. 69.

47. Also if there be an attempt made to disseise me of my land, or to disturbe me of my high way, or to turne an ancient water course from my Mill, I may lawfully use force to resist it. Dalton 188.

48. A Keeper doth enter and chase upon my land, pretending this to be within his purview, where it is not, if I command my servants to beat him of my ground, this seemeth justifiable in the defence of my possession against such unlawfull claime. Dyer. 317. Crompt. 68.

Where Forceible Detainer of possession is lawfull. CHAP. 32.

8.H.6.c.9.
Br. force 4.
10. Carol. ca. 13.
in Ireland.

1. **T**He statute of 8.H.6. concludeth thus, Provided that such as keepe their possession by force after that they, or their ancestors, &c. have continued their possession in the same 3. yeares, or more, shall not be indamaged by force of that statute.

22.H.6.
f. 18 b.

See the stat.

2. This *proviso* must (as it seemeth) be thus construed, *sc.* that where a man is seised (of a lawfull estate or possef.) of an house or lands, or he and his ancestors, or they whose estate hee hath therein have continued the possef. of the same peaceably by the space of 3. whole yeares together without interruption (and his estate not ended) there he may hold and keepe such possession with force, against all others, yea it seemeth if hee shall hire strangers to aide him, to keepe such possession, or shall have his company in armour, hee is not punishable by these statutes: but he may not resist the Iustices of Peace that shall come to view this.

10. Caroli c. 13.
in Ireland.

3. And if he shall be indicted for such his forceible holding (after three yeares) such quiet possession, he may plead such his lawfull and peaceable possession by the space of three yeares next before such indictment, and thereby he shall avoide both the imprisonment and fine, and also shall debarre the other party of his restitution; Neither may the Iustices of peace remove him from his possession, though it be found by the Inquisition taken before them, that he held that house or land by force, after three yeares lawfull and peaceable possession, as aforesaid.

4. But here it seemeth these foure diversities are to bee observed:

6. & 7. Ed. 6.
22. H. 6. 8.

Br. Resti. 12.

1. First, where the party in possession did enter peaceably and where forceibly, for if a man enter forceibly and after continueth his possession peaceably by the space of three yeares without interruption, yet it seemeth he shall not be aided by the *proviso* in the statute of 8.H.6.c.9.

Br. force 23.
f. 19.

2. Secondly, where the party in possession hath continued his three yeares possession peaceably, and where by force; for if after a lawfull and peaceable entrie a man shall continue or hold his possession by force, this is a Forceible holding or deteyner, and punishable by the statute of 8.H.6. And three yeares of such possession shall not aide him.

21.H.6.18.b.
Fi. Entre 20.
Br. force 6.
Vide 21.H.8.
pag. seq.
14.H.7.18.
Br. force 10.

3. Thirdly, where the party in possession is in by right, and of a lawfull estate, or by wrong as a disseisor, and yet without force, and hath continued such his possession peaceably by the space of three yeares, without interruption, he shall be aided by the *Proviso* of the said statute of 8.H.6. and by the statute of 10. Caroli ca. 13. and not removed from the possession upon an Indictment, but if a disseisor hath continued his possession forceibly by the space of 20. yeares together,

together, yet he may be indicted upon the said statute of 8. H. 6. before a Iustice of peace, of the forceible detayning of the same, and the same being found the said Iustice of Peace is to reseise the same, and to award restitution to the party disseised, or so put out.

4. Fourthly, where the party hath continued such his possession three yeares without interruption, and where his possession hath been interrupted or discontinued, for if a man hath been in peaceable possession of land, &c. by the space of three yeares and above, by a good title, and then is disseised and expelled by force, and the disseisee reentret peaceably, or the disseisor is therefore indicted upon the statute of 8. H. 6. and the disseisee is thereupon restored, and is in possession accordingly, yet in these cases the disseisee cannot justify the Detainer of the possession of those lands by force, because his possession was once interrupted, but after such interruption and reentry; or restitution, if hee shall continue a peaceable posses. againe for three yeares together, then it seemeth he may justify the Detainer of the posses. thereof by force, by vertue of the *Proviso* in the stat. of 8. H. 6.

Dyer. 142.
Br. force 32.
& 39.

5. If a Disseisor hath continued his possession peaceably three yeares, and after the disseisee doth reenter, or doth make his claime so neere as he dareth, and then the disseisor reentret againe, or continueth his possession after such claime, here the disseisor cannot justify to hold the same with force, for by the reentry or claime of the disseisee, the first disseisin and possession of the disseisor was determined, and the disseisor is in of a new disseisin.

23. H. 8.
Br. force 22.

6. Also if he that hath been a lawfull possessor of lands by the space of Twenty yeares together, be once clearly and wholly removed from the possession of the same land, hee cannot come with force, or multitude, to put himselfe in possession thereof againe, and to detayne the same with force, because his possession was once interrupted, and if he be indicted (upon the statute of 8. H. 6.) for such Forceible Entry, he shall not be relieved (touching the restitution) by the stat. of 10. Carol. for that hee had not the occupation of the said lands, nor had been in quiet possession thereof by the space of three yeares together, next before the day of such indictment found.

Lit. 429.

How many severall remedies the party hath which forceibly is either put out, or kept out of the possession of his houses or lands. CHAP. 33.

1. First, the party so grieved (having an estate for life, in Taile or Fee,) may have his Assise, or action of trespasse of Forceible Entry upon the statute of 8. H. 6. against such disseisor, and therein if the defendant be attainted of force, he shall fyne to the King, and also answer to the plaintiffe his treble damages, and treble Costs of

Action upon
the statute of
8. H. 6.

1. R. 2. ca. 9.
8. H. 6. ca. 9.
F. N. B. 348.

c. c. & 249. a.
Co. 19. 115.

suit,

suit, and also the plaintiffe shall thereupon have a writ of restitution to restore him to his former estate.

9 H.6.16.
Fitz. 348.h.

Br. force 19.

2. But this action being the suit of the party, and onely for the right, this remedy (by action) is only where the Entry of the defendant was not lawfull, for if a man entreth with force, where his Entry is lawfull, as if the disseisee shall enter upon the disseisor with force, he shall not bee punished by action: But yet he may be indicted upon the statute, and upon such indictment found, the party put out shall be restored, for the indictment is for the force, and for the King, and here the offender shall make fyne to the King, although his right be never so good. *Br. Force 11.*

Writ upon the
statute of
Northhamp-
ton.

3. Also the party so grieved if hee will loole the benefit of his treble damages and costs, he may be aided, and have the assistance of the Iustices of peace and that after diverse sorts, first he may purchase a writ out of the Chancery directed to the Sheriffe only, or the Sheriffe and Iustices of peace, and to every of them, for to remove the force, and this is upon the statute of Northhampton. 2.E.3.cap.3. the forme of which writ you may see *F.N.B. 249.f.*

Crompt. 74. 161.

4. But upon this writ the Iustice of peace is to proceed only as a minister, and is to certifie his doings herein, and that Iustice of peace to whom the writ shall be delivered, ought for to execute it, *scil.* he may remove the force, but here he may not put the party in possession againe, who was put out.

Indictment in
Sessions.

Dyer. 187.
Crompt. 65.

5. Also the party grieved, may at the generall Sessions of the peace within the same County, preferre his bill of indictment, upon the statute of 8.H.6. for such forceible entry or detainer, which being found there, the complaynant shall be restored to his possession by a writ of restitution granted out of the said Court to the Sheriffe.

By the Ju. out
of Sessions.

Dalton 191. &
191.

6. Also the party so grieved, for a more speedy remedy, may complaine to any one or more Iustices of peace of the same County of the said force, and thereupon the said Iustice of peace may *ex officio*, and without any writ, either doe execution of the statute of Northhampton as aforesaid; Or else the said Iustice of peace upon such complaint may goe to the place where such force is, to see it, and may remove the force, and arrest and commit the offenders, which he shall find committing the force, and shall also keep a speciall Sessions to inquire of the said force, and if upon such inquiry such force shall be found, then the said Iustice shall restore the party grieved to his possession againe, and here no other Iustice of peace can grant a *Superfedeas* to stay the same restitution.

2 Hy. 122. pl. 34.

Dalton 191.

7. Also the party grieved may remove such indictment found either at such generall or speciall Sessions, by a *Certiorari* into the Kings Bench, and the Iudges of that Court may award a writ of restitution to the Sheriffe of the County to restore possession to the party.

Enquire.

8. Now when the Iustice of peace shall make such inquiry he shall direct his precept or warrant to the Sheriffe commanding him

to

to cause to come before the said Iustice of peace, at some good Towne neere to the place, 24. sufficient and indifferent persons dwelling neere to the said lands or tenements, whereof every one shall have in lands or tenements 40.s. by the yeare at the least, to inquire upon their oathes of such force. Dalton ibid.

9. Upon default of apparance of those Iurors, the Iustice of peace may award an *alias* and after that *Pluries in finite*, till they come, but so that at the day of the second precept, or writ, the Sheriffe must returne 40.s. in issues upon every one of them, and at the third writ 5.li. and at every day after the double. 8.H.6.c.9.

10. And although any of such Iurors shall not have 40.s. land *per annum*, yet their presentment of such force is good for the King, so as the offenders shall be fined to the King. But the party shall have no restitution upon such a presentment if it be pleaded at or before the time of the awarding of the restitution, for the statute of 8.H.6.c.9. requireth that such Iuror shall have 40.s. freehold *per annum* at the least.

11. If the Sheriffe shall returne smaller issues upon the Enquirors then the statute doth appoint, yet the party indicted shall not impeach the enquiry therefore, neither is it cause to impeach the enquiry, though the Iustice of peace doe not goe to see the place where the force is.

12. And it is convenient upon such enquiry that the Evidence be given openly to the Iury, to the intent it may appeare to the Iustices of peace or Court, whether there shall be reasonable cause to stay restitution or no, after the indictment found, See *Dyer. 122.*

Of restitution to be made to the party put out. CHAP. 34.

1. I Will hereshortly recite the words of the statute, which for this businesse of restitution will give the better light, which are as followeth, *videlicet*: And if upon such enquiry it be found before the said Iustices that any have done contrary to this statute (*viz.* have entred or held with force) the said Iustice of peace, &c. shall refferse the said lands or tenements so entred upon or holden, and put the party so put out, in full possession of the same lands and tenements so entred or holden as before. Restitution;
8.H.6.c.9.

2. Here we see that after such forceible Entrie, or holding so found by enquiry, the said Iustice of peace, &c. shall remove the force *sc.* all such offenders as shall be found in the house or upon the lands, that either entred or held with force, and upon the prayer of the party so put out, the said Iustice of peace shall restore him to his possession againe. P.R. 33.

3. And herein the Iustice of peace needeth not to stay, or stand upon the right and title of either of the parties, as is said before.

V

4. But

4. But no restitution shall be made, but where the forceible entry or detainer is first found by Inquisition. *Br. force 27.*

Crompt. 166.

Indictment
the forme.

5. Concerning this Inquisition or Indictment, the Iustices of peace shall doe well to peruse and regard the same, to see if it be sufficient, for the Iustice of peace ought not to award restitution, where the indictment shall appeare to them to be any way insufficient in the Law either in matter or forme.

Dalton 193.

6. First therefore to have restitution, the putting out (by expresse words) must be in the indictment and found by the Inquisition, for another man may enter upon me, and yet not put me out, and then there needs no restitution to be made by the Iustices.

Ibid.

7. And this putting out, is to be understood only of the house, or land, and not of a rent common, advowson, and such like, into which an actuall Entry cannot be made, and therefore none shall have restitution but such only as are put out of the house, or land, as is formerly, *ca. 29.* herein declared.

Ibid.

8. Also the indictment ought to expresse the quality of the thing entred upon, &c. *sc.* whether it be a messuage, cottage, meadow, pasture, wood, or land, errable; for if the indictment be, *quod manu- forti intraverunt in tenement.* &c. it is void for the incertainty, because the word *tenementum* may extend to either of them.

14. H. 6. 16.
Br. force 136

9. Also the indictment must have these words, *sc. adhuc extra tenent*, otherwise the party shall have no restitution, and yet these words be not in the statute, but without these words in the Indictment it may be supposed and thought that he which put me out hath left the possession againe, or that I have gotten it againe, and then the restitution is needlesse.

Dalton 193.

10. So as in every such indictment, these words are materiall, *sc. expulerunt, & adhuc extra tenent.* And for lack of either of these words, no restitution shall be made, or awarded.

Dalton 194.

11. Also one of these two words *Manu forti* or *cum multitudine* seeme to be materiall in the indictment, unlesse they be implied by reciting the statute of 8. H. 6. and concluding *contra formam statut. predict.* or by some other words in the Indictment: See the presidents herein in the title of warrants and presidents.

Crompt. 161.

12. If a man shall be restored upon an insufficient indictment taken before the Iustice of peace, and this be removed into the Kings Bench, the Court there will cause the party to be restored that before was put out by the Iustice of peace by a writ of restitution.

Crompt. 165.
& 166. b.

13. Also if error or insufficiency be in the indictment taken before Iustices of peace, & yet restitution is awarded by them, any two of those Iustices of peace which were present at the taking of the said indictment upon the prayer of the party, may (at another Sessions) grant and award a *Superfedeas* to the Sheriffe to stay the same restitution, if the Sheriffe hath not made restitution before the *Superfedeas* come to his hands, but no other Iustice of peace besides those which

Dyer. 187.

were

were present at the taking and finding of the said indictment) can grant a *Superseas*, if the indictment were found at a special Sessions.

14. A man is indicted that he entred with force, and held with force, and upon the traverse it is found that he entred with force, but not that he held with force, yet this indictment seemeth good enough, and the party shall be restored.

15. So if two be indicted of a forceible Entrie, or detainer, and upon the traverse it is found that the one entred with force and the other held or detained with force, yet the party shall be restored.

16. If it be found by one Enquest, that A. put me out by force, and by another Enquest, that I did put out A. by force, either of us may pray to have restitution against the other, but he that is first restored is in the worst case, for the other may have restitution afterwards, and then he that had restitution first is without remedy by the hands of the Iustice of peace, saving that he may reenter if he can peaceably, or have his action.

17. If it be found by one Enquest that A. did put mee out by force, and by another Enquest taken at the same Sessions that B. did put me out by force, I may chuse upon whether of these indictments I will be restored, and if I have restitution against A. and this be returned, I cannot have restitution upon the other: But if (upon the writ of restitution) it be not returned that I have restitution, then I may afterwards have restitution against B. upon the other Indictment, if B. hath reentered upon the first restitution made to me.

18. A. is disseised or put out with force by B. and after B. is put out with force by C. and all this is found by one and the same Inquisition, here B. may have restitution against C. for B. hath more right to the possession than C. and then may A. have restitution against B. but upon this Inquisition, if A. have restitution first, then B. shall not have any restitution otherwise if these had been found by severall Inquisitions.

the Judges of the B. Bench may. 27. 187.

Crompt. 165.

Severall indictments.

Ibid.

Dalton 194.
Crompt. 166.
Br. force 6.

Crompt. 166.

Dalton 194.

Dalton 194.
& 195.

Who shall award and make this restitution. CHAP. 35.

1. **A**fter the force is found by the Enquest, the Iustice of peace (before whom the said force shall be so found) may himselfe put the party in possession againe, or he may make his precept under his owne *teste* alone to the Sheriffe to doe it.

Dalton 195.

2. The forme of the precept to the Sheriffe to make restitution you may see *postea tit. of Warrants and presidents*.

3. But no other Iust. of peace hath any authority by the statute to grant or award restitution, but only he or they before whom the force was found by Inquisition, nay the Iust. of Oyer and Terminer, nor the Iust. of goale deliverie cannot grant restitution, nor the Iustices of peace at their generall Sessions of the peace, cannot grant this

3. Eliz. Dali.
Co. 11. 59. 65.
Dyer. 187.

restitution, except the indictment were found before them.

Co. 9. 118.
Co. 11. 65.
4. H. 7. 18.

4. And yet the Iustices of the Kings Bench (in regard of their supreme authoritie in all cases of the Crowne) either upon certificate (to them made by the Iustice of peace, before whom such force was found) of the presentment of such force, or if the said presentment or indictment shall be removed before them by *Certiorari*, in both these cases the Iustices of the Kings Bench may award restitution.

Dalton p. 195.

5. But neither the Ju. of the K. Bench, nor any other (besides him or them that made the inquiry) can personally restore the party, but only by way of Precept to the Sheriffe.

6. The Sheriffe, if need be, may take the power of the County to execute the precept of the Ju. of peace herein.

Dalton p. 195.

7. And if the Sheriffe upon such a precept, or upon a writ of restitution from the Sessions, &c. shall returne that he cannot make restitution for resistance, &c. he shall be amerced for making such a returne, because in such case he might have taken the power of the County to assist him therein, see the like case *Fitz. Execution* 147.

To whom restitution shall be made. CHAP. 36.

1. **T**His restitution ought to be made to him that was put out, and to none other, for so are the words of the statute.

P. R. 38.

Dalton p. 195.

2. Therefore if a father be put out by force, and dyeth, his heire shall not have restitution, yet here the Iustices may imprison and fine the offenders, for by such forceible Entry they have broken the peace.

Dalton p. 196.

3. Also if after the death of the Father, a stranger abateth or entreth into his land by force, before the heire hath gotten actuall possession indeed, the heire shall not have restitution, because he had but a possession in law descended upon him.

Fitz Na Br.
248. h.

4. The disseisee doth put the disseisor out with force, the disseisor shall be restored, for upon an indictment of force the right or title is not disputable or materiall, but by the words of the statute of 8. H. 6. ca. 9. hee that is in such sort, *sc.* forceibly put out shall bee restored.

Dyer, 112.

5. Yet it seemeth in this case, that upon traverse tendred by the disseisee, and his right appearing, the Iust. of peace may stay restitution.

Br. force 6.

6. Also if the disseisor be restored againe, yet the disseisee may after reenter peaceably or have his Assise.

Crompt. 163.

7. But if the disseisee shall enter peaceably upon the disseisor, and so they both shall abide and continue there together, for divers daies, and after the disseisee doth put out the disseisor with force, and is thereof indicted, here it seemeth the disseisor shall not be restored, for the disseisors possession was avoided in quiet manner at the first entry

entry of the disseisee, and so the disseisor had no possession in the eye of Law, when he was put out.

8. If the disseisee shall enter peaceably, the disseisor and his family being abroad, and after the disseisee shall keepe his possession with force, the disseisor shall not be restored, by reason of the eigne title of the disseisee, and for that he entred peaceably. Cromp. 162. & 164. Dalton 196.

9. But here the disseisee shall bee imprisoned and fined for keeping his possession with force, for Forceible keeping or detaining, is aswell prohibited as Forceible Entrie.

10. And here note that the being of a mans wife, children, or servants, in the house or upon the land doe preserve his possession, but his cattell being upon the ground, doe not preserve his possession. Cromp. 164. Fitzh. Assise 418.

11. Also when two are in possession of an house, &c. and the one claimeth by one title, and the other by another title, here the law shall adjudge him to be in possession who hath the best right to the possession; So that if A. shall wrongfully enter upon B. and they both shall continue in the house, and after B. shall put out A. with force, A. shall not be restored, for A. never gained any possession by his Entry. Litt. 140. Park. 45.

12. Two Iointenants, or Tenants in Common, and one of them doth forceibly put out the other out of his possession, he that is so expelled may have an action of Trespasse of Forceible Entry against his Companion upon the statute of 8. H. 6. and thereupon he shall have a writ of restitution to restore him to his former estate; but it seemeth the Iustice of peace can doe nothing herein: for that his entry and possession is lawfull through the whole land in respect of his owne moiety and estate. Fitz. 149. d. P. R. 39.

13. Two Iointenants be put out with force, and one of them only sueth to have restitution, restitution shall be made unto him. Dalton p. 197.

14. Copp-holder, lessee for yeares, or tenant at will, tenant by Elegit, statute merchant, or of the Staple shall have restitution by the statute of 10. Caroli in Ireland. 10. Carol. c. 13.

15. If Lessee for yeares be put out of his Terme by force and die, though after his death this force be found by Inquisition taken by a Iustice of peace, yet his executors shall not be restored to that land (by the Iustice) for that they are not the same person which was put out. P. R. 38. Dalton p. 197.

What causes there may bee for staying the Iustices of peace from granting Restitution. CHAP. 37.

1. **A**lthough the partie, thus to be indicted for a force, shall not be heard nor suffred to give his Title in evidence, to excuse himselfe of his Forceible Entrie or detayner, to save his fyne due to the King for such force, which fyne he shall make though his right bee never Cromp. 162. Br. force 11. Dalton p. 197.

Lambert.
pa. 147. 148.
Dyer. 122.
9. H. 6. fo. 19.
22. H. 6. fo. 18.

never so good, and also the Iustice may proceed to the restitution (which the Complaynant shall demand, if the force be found) without examining the title, and yet by *Dyer. fo. 122.* the Iustice may if he please examine the title, and thereupon stay the awarding of restitution, but if the force be apparant I conceive the safest way and most agreeable to the statute is to award restitution without examining the title.

2. Now the defendant or party indicted for the stay of restitution may at the time of the restitution to be made, pleade, or alledge any of these things following:

1. His quiet possession by three yeares together.

2. He may deliver to the Iustice of peace or Court, a *Certiorari*, and this is a *superfedeas* to them.

3. He may shew the insufficiency of the indictment if there be any.

Dalton p. 197.

4. He may pleade the insufficiency of any of the Iurors, *sc.* for not having Forty shillings land *per annum*. And in this case Master *Marrow* is of opinion that the party shall have no restitution.

Three yeares
possession.

Dalton pag.
197. & 198.

5. For the first there shall be no restitution awarded, where the party indicted hath beene in quiet possession by the space of three whole yeares together next before the day of such indictment found, if his estate be not ended, and this the party indicted may alledge to stay the restitution, and the restitution upon this shall be stayed by the Iustice of peace, untill it be tryed, if the other party will deny or traverse the same.

Certiorari.

Cromp. 164.

P.R. 7.

6. Also if a man who hath made a forceible Entrie or detainer be in doubt that he shall be indicted thereof before the Iustice of peace upon the statute of 8. H. 6. and that thereupon restitution will be awarded against him, he may have a writ of *Certiorari* out of the Kings Bench ready, and when the bill of indictment is found he may presently deliver it to the Iustice of peace or Court, and this is a *Superfedeas* to them for to stay the restitution, for that upon this writ the said indictment shall be removed from them into the Kings Bench. And although the indictment be found after the *teste* of the *Certiorari*, it is not material for they be both in the Kings Courts, &c.

6. H. 7. 16.

Cromp. 166.

7. But if a *Certiorari* commeth to remove an indictment taken before the Iustice of peace in the Countrey, and the party will not sue to remove it, but suffereth it to lye still, the Iustice of peace may proceed to grant restitution, notwithstanding the writ, as *Hobert* the Kings Atturney said in 6. H. 7. But *Keble* held opinion against him, and it seemeth the Iustices of peace ought *ex officio*, to send the indictment away, because they are commanded so by the writ, and this writ is a *Superfedeas* of it selfe to the Iustice of peace to stay their proceedings, and if they shall proceed after, it is erroneous. *Br. Judges 17.*

Cromp. 162.

8. After restitution made by the Iustices of peace, if the other party doth remove the indictment by a *Certiorari* of a more eigne date then is in the indictment, the Iustice of the Kings Bench may award

award restitution back againe, for upon the matter the Ju. of peace had no power to make restitution, for that the *Certiorari* hath relation from the date thereof.

9. After restitution granted from the Sessions and delivered to the Sheriffe, the other party having a *Certiorari* delivereth it also to the Sheriffe after the Sessions, the Sheriffe shall not surcease thereupon (for he hath no authority to allow thereof) but if the *Certiorari* were deliyered to any Iustice of peace he may thereupon grant a *Superdeas* to the Sheriffe. And if restitution were made by the Sheriffe before the said *Superdeas* came to his hands, then the other party shall have restitution back againe, in the Kings Bench upon the indictment removed thither. Ibid.

10. The tender of a traverse (to an Indictment of forceible Entry upon the statute of 8.H.6.) is no *Supersedeas* but in discretion, so as the Iustices of peace or Court may grant, or may stay the restitution at their discretion according as the truth of the right or title shall appeare to them, and so is the use of the Kings Bench. Traverse.
Dyer, 128.

11. Or else the Iustices of peace before whom the indictment was found, may after Traverse tendred, certifie or deliver the indictment into the Kings Bench, and so referre the further proceedings therein to them.

12. But if the party indicted shall tender a Traverse presently, whereupon restitution is stayed, and after he shall not pursue his Traverse with effect (but discontinueth it) and after doth tender another traverse upon restitution prayed at another time, the Iustices of peace, or Court, shall doe well to proceed to grant restitution, notwithstanding such traverse tendred. Crompt. 68.

13. And it is the course of the Kings Bench that he that tendreth the traverse there upon such an Indictment, shall beare all the charges of the triall, and not the King nor he at whose suite the Indictment was found, and the same reason seemeth upon an indictment traversed before Iustices of peace. Crompt. 166.

Games unlawfull and Idlers. CHAP. 38.

1. A Iustice of peace by the first *Assignavit* of the Commission *pro pace conservanda & bono regimine populi*, and by the common Law may arrest and imprison all common gamesters, Idlers, and all such as be of ill fame, and the keepers of such common gaming houses, untill they shall finde sureties to leave of their gaming and keeping of gaming houses, and to betake themselves to some honest labour, or else to be of good behaviour at the discretion of the Iustice. Vide 12.R.2.
ca.6.
11.R.4.ca.4.
17.E.4.ca.3.

2. Note that playing at Cards, Dice, and the like, are not prohibited by the common lawes of this Realme, except that one be deceived by false Dice, or false Cards, and then he that is deceived may have his

his action of the case for such deceit, neither are they *malum in se*, or of their owne natures, for then none might be tolerated or licensed to use them. And yet good Divines doe hold diverse of these recreations to be altogether unlawfull, as being Actions wherein we neither blesse God, nor looke to receive a blessing from God, nay such as we dare not pray to God for a blessing on them nor on our selves in the use thereof, but especially on the Sabbath day all such recreations and Games are holden unlawfull: for if lawfull works be forbidden on that day, much more unlawfull sports, yea such sports and games, which otherwise and at other times are lawfull, See *Esay. 58. 13.*

Huy and Cry. CHAP. 39.

1. **E**Very Iustice of peace may cause Huy and Cry, fresh suit and search to be made upon any Treason, Murder, Robbery, Theft, or other felony committed, and this he may doe by force of the first *Assignavit* of the Commission and the Statute of *Winchester. 13. Ed. 1. ca. 1.*

13. Ed. 1. 12.

2. Note that Huy and Cry ought to be made from Towne to towne, and from countrey to countrey and by horsemen and footmen, otherwise it is no lawfull pursuite, *28. Ed. 3. ca. 11.*

11. Carolic, 12.
in Ireland.

3. Note also when Huy and Cry is levyed upon any Robbery or other felony, the officer of the Towne where the felony was done, or Huy and Cry first levyed, ought to send to every other towne round about him, and not to the next Towne onely, and in such cases it is needfull to give notice in writing to the pursuers, of the things stollen, and of the colour and markes thereof, as also of the person of the Felon, his apparell and horse, &c. if it may be.

Hunting, hawking and hawkes. CHAP. 40.

1. **V**Pon information given to any Iustice of peace of the County where any unlawfull hunting of Deere, or Conies, by night or with painted faces, or other disguising, in any Forrest, parke, or warren, shall be had of any person to be suspected thereof, that Iustice may make a warrant to the Sheriffe, Constable, Bailiffe, or other officers to take the party and to bring him before him, or before any other Iustice of peace of the same County who may examine him of that hunting, and of the doers thereof. And if he conceale that hunting or any offender with him therein, then the said concealment shall be felony in such concealer, but if he then confesse the truth of all that he shall be examined of, and knoweth in that behalfe, then his offence of hunting shall be but Trespasse, and fineable, the fine to bee assessed at the next general Sessions of the peace by the Iustices there.

1. H. 7. ca. 7.
P. Iust. 16.

Dalton 66.

2. Also

2. Also to disobey such a warrant, or to make rescous thereupon, so that the execution of the same warrant thereby bee not had, is felony. 1.H.7.ca.7.

3. The Ju. of P. that shall take the examination of an offender for unlawfull hunting in Parks, &c. as aforesaid, may after such examination, bind the offender to his good behaviour, as it seemeth, to the end he may be forth-comming, till the offence and residue of the offenders be fully examined, otherwise if it shall after appeare, that the offender hath-concealed any thing whereby the offence becometh felony, then the offender perhaps will not be found. Dalton 66.

4. Also such unlawfull hunting, if it bee by three or more, will prove a Riot. Ibid.

5. And yet hunting and hawking and such other pastimes, every man may use upon his owne lands at his pleasure, so farre as they be not restrained by Act of Parliament, but no man may make a parke or warren within his owne ground without the Kings grant or licence, and therefore such parke or warren made without licence seeme not to be within the statute of 1.H.7.7. Co. 11.86.87.

6. Whosoever findeth any Hawke that is lost, and doth not immediately bring the same to the Sheriffe to be proclaimed, but doth imbezell the same, it is felony. See more of Hawkes before in the chapter of Felony by statute, & 34.E.3.ca.21. & 37.E.3.ca.19.

Inrolments. CHAP. 41.

1. **A**Ny one Iustice of Peace may joyne with the Clerke of the Peace in taking the inrolement of any Indenture of bargain and sale of land, &c. lying in that County where he is Iustice of peace according to the statute of 10. Caroli. 10. Carol. ca. 1. in Ireland.

2. But such deed (and all other deeds to be inrolled according to this statute) must be indented *re vera*, and must be inrolled within six moneths after the date of the same Indenture, and if it have no date then within six moneths after the delivery of the deed, or if it be inrolled, the very day of the date of the deed, or the very last day of the six moneths, it is sufficient. Co. 5.92.b. P.1. Co. 5.1.b. Daliso 4. El. Dyer 218.

3. Note herein you must accompt 28. dayes to every moneth and not above, *sc.* foure weeks to the moneth.

4. Note also the difference, when a statute accompteth by the year, halfe year, or quarter, and when by the moneth for a year, halfe a year, or a quarter of a year shall be accompted according to the Kalender, and by the dayes in the Kalender, and not after 28. dayes to the moneth. And a year or a twelve moneth (in the singular number) includes the whole year according to the Kalender, but twelve moneths (in the plurall number) or eight moneths, or six moneths, &c. shall be accompted after eight and Twenty dayes to every Co. 6.62. Except in a quare impd. See Co. ibid.

every moneth, for the moneth by the common law of Enlgand is but eight and twenty dayes: and so,

Whereas $\left\{ \begin{array}{l} \text{three moneths} \\ \text{six moneths} \\ \text{twelve months} \end{array} \right\}$ hath but $\left\{ \begin{array}{l} 84 \\ 168 \\ 336 \end{array} \right\}$ dayes.

The $\left\{ \begin{array}{l} \text{quarter of a yeare} \\ \text{halfe of a yeare} \\ \text{yeare} \end{array} \right\}$ hath $\left\{ \begin{array}{l} 91 \\ 182 \\ 365 \end{array} \right\}$ dayes.

Dyer. 345.

*Ter centum, ter viginti, cum quinque diebus,
Sex horas, neque plus integer Annus habet.*

5. And as to these six houres, the Law giveth no regard to them, and yet these six houres, every fourth yeare doe make a day, and so make the leape yeare, and this leape yeare containeth in it 366. dayes.

6. Note also for the yeare when in an indictment or other writing or deed it shall be set downe (or the writing shall be dated) *Anno Domini 1617.* it must be accompted according to the computation of the Church of England, which beginneth the yeare upon the 25. day of March.

Labourers, Artificers and Servants. CHAP. 42.

I Labour and Industrie is the life of a common wealth: It produceth peace and plenty, but Idlenesse produceth rebellions, murders, thefts, breach of the peace, Rapine, spoyle, poverty, and all manner of miserie, so as Idlenesse as it is a great sinne before God, and a breach of the royall law, so it is an offence against the common law, and against the good government of the people, and therefore the Iustice of peace by the first *Assignavimus* of the Commission ought to imprison such Idlers, untill they finde sureties to labour or for their good behaviour, and yet for the rooting out of Idlenesse and inforcing of labour and industry divers statutes have been made in England which are of force in this kingdome of Ireland, which statutes I shall here expresse in order of time, and first in 23. Ed. 3. c. 1. It was enacted that

Meh, Worren.
21. yeares old.
23. Ed. 3. c. 1.

Required to
serve, wages.

11. H. 8. c. 9.

1. Every man or woman of what condition he be, free or bound, able in body, and within the age of Forty yeares, not living in Merchandise, nor exercising any Craft, nor having of his owne whereof he may live, nor any lands about tillage, whereof hee may imploy himselfe, and not serving any others, if he inconvenient service (his estate considered) be required to serve, shall be bounden to serve him which so shall require him, (the wages are to be rated by the Iustices of

of peace according to a statute made in Ireland in 33.H.8.ca.9.) Provided alwaies that the Lords be preferred before other in their bondmen or their land tenants, so in their services to be retained. So that neverthelesse the said Lords shall retaine no more then be necessarie for them, and if any such man or woman, being so required to serve will not the same doe, and that proved by two true men before the Sheriffe, or Bailiffes of our Sovereigne Lord the King, or the Constable of the Towne where the same shall happen to be done, he shall anone be taken by them, or any of them, and committed to the next gaole there to remaine under strait keeping, till he finde suretie to serve in the forme aforesaid; 23.E.3. de servient.cap.1. Imprison.
Surety.

2. If any reaper, mower, or other workman, or servant of what estate or condition that he be, retained in any mans service, do depart from the said service without reasonable cause or licence, before the Terme agreed, he shall have paine of imprisonment, and that none under the same paine presume to receive or to retaine any such in his service, Anno 23.E.3.cap.2. Depart with-
out licence.

Receive to
service.

3. That no man pay or promise to pay to any servant any more wages, liveries, meede or salarie then was wont, nor that any in other manner shall demand or receive the same upon paine of doubling of that, that so shall be paid, promised, required, or received to him which thereof shall feele himselfe grieved, pursuing for the same. Ann.23.Ed.3.ca.3. Cap.2. Stat. de servient. Wages.
Paine.
23.Ed.3.ca.3.

4. If the Lords of the Townes or Mannors presume in any point to come against this present ordinance, either by them, or by their servants, then pursuit shall be made against them in the counties, Wapentakes, Tithings, or such other Courts, for the treble paine payed or promised by them or their servants in the forme aforesaid, and if any hath covenanted with any to serve for more wages, he shall not be bound, by reason of the same covenant, to pay more then at another time was wont to be paid to such person, nor upon the said paine shall presume any more to pay, An. 23.Ed.3.ca.4. But now the wages must be such as shall be rated by the Iustices of peace according to the said statute of 33.H.8.ca.9. Lords.

Damages.
Covenant.
33.H.8.ca.9.
in Ireland.

5. That Sadlers, Skinners, Whitetawers, Cordwaynees, Taylors, Smiths, Carpenters, Masons, Tylers, Shipwrights, Carters, and all other Artificers and workemen shall not take for their labour and workmanship above the same that was wont to be paid to such persons, and if any man take more, he shall be committed to the next gaole in manner as is aforesaid. Ann.23.Ed.3.cap.5. But this statute also as to the wages only is altered by the said statute of 33.H.8.ca.9. Artificers.
Workman-
ship.
33.H.8.ca.9.
in Ireland.

6. Anno 23.Ed.3.de servi.ca.7. It was enacted that all the forfeitures given by this statute de servientibus against Labourers should be levied of every of them, and should be employed to the payment of the tenth and fifteene then granted, and after to the Kings use, to be 23.Ed.3.ca.7.

levied by certaine appointed in the statute, neverthelesse he that will may sue for these forfeitures to have them to his owne use.

Threshers.

Oath.
Stewards.
Bailiffes.
Constables.

Refuse.
Stocks.
Imprison.
Stocks.

7. That none take for the threshing of a quarter of wheate, or rye, over two pence halfe penny, and the quarter of Barley, Beanes, Pease, and Oates, one peny halfe peny, if so much were wont to be given, and in the Countrey where it is used to reape by certaine sheaves, and to thresh by certaine bushels they shall take no more nor in other manner then was wont, and that the same servant be sworne two times in the yeare before Lords, Stewards, Bailiffes, and Constables, of every Towne to hold and doe these ordinances, and that none of them goe out of the Towne where he dwelleth in the winter to serve in the Summer, if he may have service in the same Towne, taking as before is said, and that those which refuse to make such Oath, or to performe that, that they be sworne to, or have taken upon them, shall be put in the Stocks, by the said Lords, Stewards, Bailiffes, and Constables of the Townes by three dayes or more, or sent to the next gaole, there to remaine till they will justifie themselves, and that Stocks be made in every Towne by such occasion. *Anno 25. Ed. 3. de servien. cap. 2.* But the wages in this also are to be regulated by the said statute of 33. H. 8.

Artificers.

33. H. 8. ca. 9.
in Ireiand.

Plaisterers, &c.
Wages.

33. H. 8. ca. 9.
in Ireland.

8. That Carpenters, Masons, and Tylers, and other workemen of houses, shall not take by the day for their worke but in manner as they were wont *Anno 25. E. 3. cap. 3.* but wages in this case also is to be regulated by the said statute of 33. H. 8. ca. 9.

9. Plaisterers and other workers of Mudwals, and their knaves, by the same manner without meate or drinke (S. from Easter to Saint Michael) and from that time lesse, according to the rate and discretion of the Iustices which shall be thereto assigned, *Ann. 25. E. 3. cap. 3. & 33. H. 8. ca. 9. in Ireland.*

Artificers.

Oath.

Iustice.

Imprison.

10. Goldsmiths, Sadlers, Horsfsmiths, Spurriers, Tanners, Curriers, Tawers of Leather, Taylors, and all other workemen, Artificers, and labourers, and all other servants here not specified shall be sworne before the Iustices, to doe and use their crafts, and offices in the manner as they were wont to doe without refusing the same because of this ordinance. And if any of the said servants, Labourers, workemen, or Artificers, after such oath made, come against this ordinance he shall be punished by Fine and ransome, and imprisonment after the discretion of the Iustices, *Anno 25. Ed. 3. cap. 4.* the wages also in this case are to be regulated by the said statute of 33. H. 8. ca. 9. by the Iustices of peace in the Quarter Sessions next after Easter and Michaelmas halfe yearely.

Stewards.
Constables.
Oath.
Inquirie.
Iustices.

11. The said Stewards, Bailiffes, and Constables of the said Townes shall be sworne before the same Iustices, to inquire diligently by all the good wayes they may of all them that come against this ordinance, and to certifie the same Iustices of their names at all times when

when they shall come into the Countrey to make their Sessions, so that the same Iustices in certification of the same, Stewards, Bailiffes, and Constables of the names of the Rebels, shall doe them to be attached by their bodies to be before the said Iustices to answer of such contempts, so that they make fine and ranfome to the King in case they be attainted. And moreover to be commanded to prison, there to remaine till they have found surety to serve and doe their worke, and in case that any of them come against his oath, and be thereof attainted, he shall have imprisonment of a quarter of a yeare, so that at every time that he offendeth and is convicted he shall have double paine, and that the same Iustices, at every time they come into the Countrey shall inquire of the said Stewards, Bailiffes, and Constables, if they have made a good and lawfull certificate or any concealement for gift, procurement, or affinity, and punish them by fine and ranfome if they be found guilty, and that the same Iustices have power to enquire and make due punishment of the said ministers, labourers, workemen, and other servants, aswell at the suite of the party as by presentment, and to heare and determine, and put the things in execution by the *Exigent*, after the first *Capias*, if need be, and to depute other under them as many and such as they shall see best for keeping of the same ordinance. And that they which will sue against such servants, workemen, labourers, and Artificers, for excessive taking of them, and they be thereof attainted at their suit, they shall have againe such excessive, and in case that none will sue to have againe such excessive, then it shall be levied of the said servants, labourers, workemen, and Artificers, and delivered to the Collectors of the Quinzime in allevation of the Townes where such excesses were taken, *Anno 25. Ed. 3. ca. 6.*

12. No Sheriffes, Constables, Bailiffes, Gaolers, the Clerkes of the Iustices, or of the Sheriffes, nor other Ministers, whatsoever they be shall take any thing for the cause of their office of the same servants, for fees, suit of prison, nor in other manner, and if they have any thing taken in such manner, they shall deliver the same to the Collectors of the Disme and Quinzimes, in ayd of the commons, for the time that the Disme and Quinzime doth runne, aswell for the time past as for the time to come, and that the said Iustices enquire in their Sessions if the said Ministers have any thing received of the same servants, and that they shall finde by such inquest that the said Ministers have received, the same Iustices shall levy of every of the said ministers, and deliver to the said collectors, together with the excessive and fines and ranfomes made, and also the amerciaments of all them which shall be amerced before the said Iustices in allevation of the said Townes as afore is said, and in case the excessive found in one Towne, doth exceed the quantity of the Quinzime of the said Towne the remnant of such excessive shall be levied and payed by the said Collectors, to the next poore Townes, in ayd of their Quinzime, by advice

Arrest.

Fine.

Attaint.

Imprison.

Inquire.

Inkeepers.

Vrailleurs.

Oier. & Ter.

Exigent.

25. E. 3. ca. 6.

excessive taking.

Quinzime.

Sheriffes.

Constables.

Bailiffes.

Gaolers.

Fec.

Quinzime.

Dismes.

Inquests.

Iustices.

Fines, amerciaments.

Collectors.

Indentures.

Account.

advise of the said Iustices, and that the fines and ransomes, excesses and amerciaments of the said servants, labourers, and Artificers for the time to come running of the said Quinzime, be delivered to the said Collectors in the forme aforesaid, by Indentures to be made betwixt them and the Iustices, so that the Collectors may be charged by their account by the said Indentures, in case that the said fines, ransomes, amerciaments, and excesses, be not payed in aid of the said Quinzime, and ceasing the said Quinzime, it shall be levied to the Kings use, and answered by the Sheriffes of the Counties, *Anno 25. Ed. 3. cap. 7. Stat. 2.*

Encourage.

Punish.

Flic.

Sheriffes.

13. Those that speake in the presence of the said Iustices, or other things doe in their absence or presence in encouraging or maintenance of the said servants, labourers, or Artificers, against this ordinance shall be grievously punished by the discretion of the same Iustices, and if any of the said servants, Labourers, or Artificers, doe fly from one County to another because of this ordinance, that the Sheriffes of the Counties where such fugitive persons shall be found shall doe them, to be taken at the commandement of the Iustices of the Counties from whence they shall fly, and bring them to the chiefe Gaole of the same County there to abide till the next Sessions of the same Iustices, and that the Sheriffe returne the same commandement, before the same Iustices at their next Sessions, and that this Ordinance be holden and kept in all Cities and Burroughes and in other places throughout the land aswell within Franchises as without, *Anno 25. Ed. 3. cap. 8. Statut. 2.*

14. The statute of Labourers of old time made, shall stand in all points except the pecuniary paine, which from henceforth is accorded, that the labourers shall not be punished by fine and ransome, and it is assented that the said statute shall be enforced in punishment of labourers in the forme following that is to say, that the Lords of Townes may take and imprison them by fifteene dayes, if they will not justifie themselves, and then to send them to the next goale, there to abide till they will justifie themselves by the forme of the statute, And that the Sheriffe, Gaoler, nor other minister shall not let them to no mainprise nor bayle, and if he do, he shall pay to the King ten pounds, and to the partie 100. s. Nor that the Sheriffe, Gaoler, nor other minister shall take no Fee, nor portorage of prison, neither at his entring nor at his comming out upon the same paine, And that aswell Carpenters and Masons take from henceforth wages by the day, and that all Alliances and Covins of Masons and Carpenters and congregations, Chapiters, ordinances and oathes betwixt them made, or to be made, shall from henceforth be voide, and wholly adnulled, so that every Mason and Carpenter of what condition that he be, shall be compelled by his master to whom he serveth, to doe every work that to him pertalneth, to doe either of freestone or roughstone, and also every Carpenter in his degree: But it shall be lawfully to every Lord

Lord or other to make bargain and covenant of their worke in grosse with such labourers, and Artificers, when please them, so that they performe such workes well and lawfully according to the bargain or Covenant with them thereof made, *Anno 34. Ed. 3. cap. 9.*

15. Of Labourers and Artificers that absent them out of their services in other Townes or another County, the party shall have the suit before the Iustices, and that the Sheriffe take him at the first day, as is contained in the statute, if he be found, and doe of him execution, as afore is said, and if he returne that he is not found, he shall have an Exigent at the first day and the same pursue till he be outlawed, and after the Outlarie a writ of the same Iustices shall be sent to every Sheriffe of Ireland, that the party will sue to take him, and to send him to the Sheriffe of the County where he is outlawed, and when he shall be there brought, he shall have there imprisonment till he will justifie himselfe and have made gree to the party, and nevertheless for the falsitie he shall be burnt in the forehead, with an Iron made and formed to this letter F. in token of falsitie, if the party grieved the same will sue, but this burning is not to be executed, unlesse it be by the advice of the Iustices, and the Iron shall abide in the custody of the Sheriffe. And that the Sheriffe and some Bailiffe of the Franchise be attending to the plaintiffe to put this ordinance in execution upon paine afore said, and that no labourer, servant, nor Artificer, shall take no manner of wages the festivall dayes, *Anno 34. Ed. 3. ca. 10.*

16. If any labourer, servant, or Artificer, absent himselfe in any City, or Burrough, and the party plainetiffe come to the Mayor, and Bailiffes, and require delivery of his servant, they shall make him delivery without delay, and if they refuse to doe the same, the party shall have his suit against the Mayors, and Bailiffes, before the Iustices of Labourers, (which the Iustices of peace by their Commission now are) and if they be thereof attainted they shall pay to the King 10. l. and to the party 100. s. *Anno 34. Ed. 3. cap. 11.*

17. The statutes and ordinances made of labourers and Artificers be holden and kept and duely executed, and thereupon Commission shall be made to the Iustices of peace in every County, to heare and determine the points of the said statutes, and to award damages at the suit of the party according to the quantitie of his Trespasse, *Anno 42. Ed. 3. cap. 6.*

18. All the statutes of Artificers, Labourers, Servants, and Victualers, made aswell in the time of our Sovereigne Lord the King that now is, as in the time of his noble grandfather (whom God assoile) not repealed shall be firmly holden and kept and duely executed, and that the said Artificers, Labourers, Servants, and Victualers, be duely justified by the Iustices of peace, aswell at the suit of the King, as of the party, according as the said Statutes require, and that the Mayors, Bailiffes, and Stewards of Lords and Constables of Townes doe

doe duely their offices, touching such Artificers, Servants, Labourers, and Victualers, and that a paire of Stocks be in every Towne to justifie the same Servants, and Labourers, as is ordained in the said statutes; And moreover it is ordained and assented that no Servant, nor Labourer, be he man or woman, shall depart at the end of his Terme out of the hundred, Rape, or Weapontake, where he is dwelling to serve or dwell elsewhere, or by colour to goe from thence in pilgrimage, unlesse he bring a letter patent, containing the cause of his going and the time of his Terme, if he ought to returne, under the Kings Seale which for this intent shall be assigned and delivered to the keeping of some good man of the hundred, Rape, Wapentake, City, or Borrough, after the discretion of the Iustices of peace to be kept and lawfully to make such letters when it needeth, and not in any other manner by his owne Oath, and that about the same Seale shall be written the name of the County, and overthwart the said Seale the name of the hundred, Rape, or Wapentake, City, or Borrough, and also if any Servant, or Labourer, be found in any City, or Borrough, or elsewhere comming from any place, wandring without such letter he shall be forthwith taken by the said Mayors, Bailiffes, Stewards, or Constables, and put in the Stocks, and kept till he hath found surety to returne to his service, or to serve or labour in the Towne from whence he came, till he have such letter to depart for a reasonable cause, and it is to be remembered that a Servant or Labourer may freely depart out of his service, at the end of his Terme, and to serve in another place, so that he be in a certainty with whom, and shall have such a letter as before, but the meaning of this ordinance is not, that any Servants which shall ride or goe in the businesse of their Lords or Masters, shall be comprised within the same ordinance for the time of the same businesse, and if any beare such letter, which may be found forged or false, he shall have imprisonment of Forty dayes for the falsity, and further till he hath found surety to returne or serve to labour as is aforesaid, and that none receive Servant or Labourer, going out of their hundred, Rape, or Wapentake, City, or Borrough, without letter Testimoniall nor with letter Testimoniall above one night, except it be for cause of sicknesse, or other cause reasonable, or which will and may serve and labour thereby the same Testimoniall upon a paine to be limited by the Iustice of peace, & that aswell Artificers, and people of mistery, as servants and apprentices, which be of no great avoyer, and of which craft or mistery a man hath no great need in harvest time, shall be compelled to serve in harvest to cut, gather and bring in Corne, and that these statutes be duly executed by Mayors, Bailiffes, Stewards, and Constables of Townes upon paine limited and judged by the said Iustices of peace in their Sessions, and that no man take above a peny for the making, Sealing and delivering of such letter, *Anno 12. Ric. 2. cap. 2.*

19. That the ordinances aforesaid of Servants and Labourers, Beggers,

Beggars, and Vagabonds, shall hold place, and be executed aswell in Cities and Borroughes, as in other Counties and places within the Realme aswell within the Franchises as without, and that the Sheriffs, Mayors, Bailiffes, and keepers of the Gaoles shall be holden and charged to receive the said Servants, Labourers, Beggars, Vagabonds, and to keepe them in prison in the forme aforesaid, without letting to mainprise, or to baile, and without Fee or any other thing taking of them, by themselves or by any other as long as they be so imprisoned or at their going forth upon paine to pay an hundred shillings to our soveraigne Lord the King, *Anno 12. R. 2. ca. 9.*

20. That the Iustices of peace in every County, in two of their Sessions to be holden betwixt the Feast of Easter and Saint Michael shall make proclamation by their discretion, after the dearth of victuals, how much every Mason, Carpenter, Tyler, and other Craftsmen, workemen, and labourers, by the day aswell in harvest as in other times of the yeare, after their degree shall take by the day with meate and drinke, or without meate and drinke, betweene the two Sessions aforesaid notwithstanding the statute thereof heretofore made, and that every man obey to such proclamations from time to time as a thing done by statute, *Anno 13. R. 2. cap. 8. vide 33. H. 8. cap. 9. in Ireland.* that these proclamations must be in the next Sessions after Easter and Michaelmas.

21. That no Labourer be retained to worke by the weeke, nor that no Labourers, Carpenters, Masons, Tilers, Plaisterers, Daubers, Coverers of houses, nor none other Labourers, shall take any hire for the holy dayes, nor for the Evens of Feasts where they doe not labour, but till the houre of Noone, but only for the halfe day, upon the paine that such Labourer, Carpenter, Mason, Tiler, Plaisterer, Dauber, Coverer of houses, or any other Labourer that taketh contrary to this statute shall pay to the King for every time that he doth so contrary 20. s. *Anno 4. H. 4. ca. 14.*

22. The statute of Labourers made at Canterbury, and all other good statutes of Labourers, made and not repealed, be firmly holden and kept, and put in due execution, and moreover that the Iustices of peace have power to send their writs for such fugitive Labourers to every Sheriffe of the Realme of England, and to make such processes as the statute of *Anno 34. Ed. 3. cap. 10.* requireth to bring them before them, to answer to our soveraigne Lord the King, and to the parties of the contempts, and Trespasses made or done against the ordinances and statutes aforesaid, in like manner as the Iustices have power to send to every Sheriffe for the Theeves before them indicted; And also that all the statutes and ordinances of Labourers, servants, and artificers, before this time made, and not repealed be exemplified under the great Seale, and sent to every Sheriffe of the Realme, thereof to make Proclamation in full County, and after this Proclamation so made, that every Sheriffe shall cause the same Exemplified.

emplification to him directed to be delivered to the Iustices of the peace in his County, named in the *Quorum*, or to one of them, to remaine with such Iustices which be or shall be for the better putting of the aforesaid statutes and ordinances in due execution; And also that the Iustices of peace from henceforth have power to examine aswell all manner of Labourers and servants and their masters, as Artificers, by their oathes of all things by them done contrary to the said ordinances and statutes, and upon that to punish them upon their confession, after the effect of the statutes and ordinances aforesaid, as though they were convicted by Inquest, and that the Sheriffe in every Shire of the Realme shall doe well and duely in his office in this behalfe upon paine to lose and to forfeit to our Sovereigne Lord the King Twenty pounds; *Anno 2. H. 5. cap. 4.*

23. If any servant of husbandrie, purposing to depart from his Master at the end of his Terme; at the midst of his Terme or otherwise, make a Covenant before with another man to serve him for the next yeare, if he be in such case as the law will compell him to serve that the said servant, and he which so shall make covenant with him at the midst of the said Terme or before, shall give warning to the master of the said servant of the said Covenant so newly made, so that the same master may provide another servant against the end of his Terme, and if any covenant with any such servant be otherwise made, or such warning in manner and forme aforesaid not had, that the same Covenant shall be voide, and that the same servant be compelled to serve his first master for the next yeare, except that a lawfull cause being of a latter time require the contrary, and if any person refuse to serve or labour for the wages assessed by the Iustices of peace, then every Iustice of peace in their Counties shall have power at every time, to call them to examination of the same, and such as they shall finde defective to commit to the gaole, there to remaine till they have found sufficient surety to serve, and labour in forme by the law required; And if any servant, Artificer, workman or labourer doe contrary to the premisses or deny his service, occupation or labour, by reason of not giving of salarie or wages contrary to these statutes, that hee shall lose to the partie that will sue in this behalfe 20 s. and that the said Iustices of peace shall have power to heare and determine all manner of offences done contrary to the forme of this statute, aswell at the Kings suit as at the parties, And that every of the Kings leige people may have the suit against every person that shall offend in any point against this statute, and the processe shall be by Attachment, *Capias* and *Exigent*, and that the Iustices of peace shall assesse no fyne upon any which shall be convicted before them, of any thing done to the contrary to any statute of Labourers or Artificers, or for this cause to put him in the good grace of our Sovereigne Lord the King under three shillings foure pence: And also that the Iustices of peace thorow the Realme two times every

yeare

yeare shall doe openly to be proclaimed in their Sessions, all the statutes of Labourers, Artificers, Hostlers, Victualers, servants and Vagabonds before this time made, and not revoked with this statute; Also that by colour of the Tenure of lesse lands, then the husbandry of the same shall suffice to the continuall occupation of one man, no man shall be excused to serve by the yeare, upon the paine to be justified as a Vagabond, also that Iustices of peace shall have power to take all servants retained with any person by colour of Husbandrie, and not duely occupied about the same, which servants ought by the law to be servants of Husbandrie, to such as shall require their service, and to justifie them in every point as the same Iustices have power to justifie Vagabonds. 23. H. 8. ca. 13.

24. And now because the rating and assessing of the wages of Labourers, Artificers and Servants by force of an Act of Parliament made in Ireland in Anno 33. H. 8. cap. 9. is to be done by the Iustices of peace, so as by this statute all the former statutes are altered in that particular point of wages only: It will not be amisse to recite the statute *verbatim* which is as followeth. 33. H. 8. ca. 9. in Ireland.

25. Forasmuch as prices of victuals, cloth, and other necessities for Labourers, Servants at Husbandry, and Artificers yearly change aswell sometime by reason of dearth and scarcenesse of corne and victuall as otherwise, so that hard it is to limit in certaine what wages Servants at Husbandry should take by the yeare, and other Artificers and Labourers by the day, by reason whereof they now aske and take unreasonable wages within the land of Ireland. For reformation whereof, be it enacted by authority of this present Parliament, that the Iustice of peace, in every County within this land of Ireland, yearly in their Sessions to be holden within one moneth next after the Feast of Easter, and one moneth next after the Feast of Saint Michael the Archangell, shall make Proclamations by their discretion having respect to such prices, as victuals, cloth, and other necessities then shall be at, how much every Mason, Carpenter, Sclauter, and every other Artificer, and Labourer, shall take by the day aswell in harvest season as any other time of the yeare, with meate and drinke, and how much without meate and drinke, betwixt both the said Sessions. And also at the Sessions to be holden next after the Feast of Easter how much every servant at Husbandry shall take by the yeare following with meate and drinke, and that every of them shall obey such Proclamations from time to time, as a thing made and established by Act of Parliament for a law in that behalfe upon paine of forfeiture every one of the said Carpenters, Sclauters, Artificers, Labourers, and Servants, that shall take any thing contrary to the said Proclamation or Proclamations, the thing so taken, and imprisonment of their bodyes, by the discretion of the said Iustices, and that Iustices of peace at any Sessions, shall enquire, heare, and determine the same offences, and thalffendell of the said forfeiture to be to the

Kings highnesse, and the other halfe to him or them that shall give information of the same forfeiture, and that all and every Act before this time made concerning the limitation of wages for the said Servants, Artificers, and Labourers, be in that point only void and of none effect within this land, and this Act to endure till the next Parliament within this land to be holden.

11. Eliz. ca. 5.
in Ireland.

26. Which statute by another Act of Parliament made in Ireland in Anno 11. Eliz. cap. 5. is made perpetuall.

27. And having now set forth the statutes concerning Labourers, Artificers, and Servants, it will be necessary for the better information of the Iustices of peace to make some exposition of the said statute of 23. Ed. 3. which is the ground of all the rest, which I shall briefly doe in these eight particulars following:

1. First, what the common Law was concerning Labourers, Artificers, and Servants, before the said statute.

2. Secondly, who are compellable to labour by the said statute of 23. Ed. 3.

3. What is a good retainer, within that statute, and what not.

4. What be good causes for a servant to depart from his service within his Terme, and what not.

5. How and in what manner the master may discharge the servant, apprentice, or other Artificer of his service.

6. Sixtly, who may lawfully take a servant out of the service of his master, with whom he is retained, without the danger of the said statute.

7. Seventhly, In what cases a man may receive or retaine a servant that is formerly retained by another.

8. And lastly, who shall in Law be taken to be a servant within the meaning of the said statute of 23. Ed. 3.

The common
Law before
the statutes.

28. For the First, by the common Law before the said statutes, a Iustice of peace by the first *Assignarius* of the Commission *pro bona regimine*, might commit to prison all Idle wanderers which were able to worke and would not (which had no meanes or livelyhood of their owne) to remaine in prison untill they should finde surety, either to betake themselves to some honest labour, or else to be bound to their good behaviour, and this is agreeable to the Law of God as appears in the second Epistle of Saint Paul to the *Thessalonians* the third Chapter, where Saint Paul giveth a commandement and a precept, that if any would not worke he should not eate, (that is) he should not eate the fruite of other mens labours, but should worke and eate his owne bread, and it is plaine and manifest in the kingdome of Ireland, that Idlenesse hath bene the chiefe occasion of many rebellions, and yet is a great occasion of the poverty of that kingdome, and for the better suppressing of all such Idle living diverse good Lawes and statutes have bene enacted and made in that kingdome as namely in Anno 25. H. 4. ca. 7. It was enacted that the Sonnes of Hus-
bandmen

bandmen and Labourers should be Labourers and travellers upon the ground, as they were in old time, and in all other workes and labours lawfull and honest, according to their state, and if it fortune that any such sonne of an Husbandman or of a Labourer doe the contrary, and thereof be lawfully convicted before any Iudge of the King, or Iudge of Franchise, that he shall have the imprisonment of one yeare, and over that he shall make fyne to the King, or to the Lord of the Franchise, according to the discretion of the Iudge before whom he is convicted.

29. And by another statute lately made in Ireland in the eleventh 12 Caroli c. 16. yeare of the Kings Majestic that now is, It is enacted that if any person or persons that hath no meanes of ability of his owne, or sufficient meanes of support from his parents and kindred, that shall walke up and downe the Countrey with their Fosterers or kindred and retinue with one or more Greyhound or Greyhounds or otherwise, or that shall casher, lodge or selse themselves, their followers, their horses, or their Greyhounds upon the Inhabitants of the Countrey, or shall directly or indirectly exact meat, drinke, or money from them, or shall crave any helpes in such sort as the poore people dare not deny the same for feare of some scandalous Rime or song to be made upon them, or some worse inconvenience to be done them, that it shall bee lawfull for every Iustice of peace of each County within the Realme of Ireland, and for the Iustices of Assise in their severall Circuits, to apprehend or cause to be apprehended all such person or persons, and him or them to bind to their loyalty and allegiance or allegiances, or to the good behaviour, as in the discretion of such Iustices shall seeme meete, and to commit the said persons to the common gaole of the said County, untill he or they shall finde bonds by recognisance as aforesaid, with very good sureties, which the Iustice of peace shall returne all and every such Bonds or Recognisances, so by him to be taken, at the next generall Sessions of the peace for the said County, where the same shall be taken, and all Sheriffes, Bailiffes, Constables, Provost Marshals, and other his Majesties loyall subjects are required to be ayding, assisting and helpfull to every Iustice of peace and Iustices of Assise in the apprehending of the said Cosherers, and wandring Idlers, when they shall be thereunto required upon paine of such fine or fines to be set upon them, for their neglect, as upon conviction before the Iustices of peace or before the Iustices of Assise at their discretion shall be set upon them for their said default.

30. Both which last mentioned statutes are in a manner but a declaration of the common Law, for the constant course in Ireland hath ever beene at the generall Sessions of the peace and at the Assises to enquire of such Idlers, and to fine and imprison them, untill they shall finde surety to betake themselves to some honest labour, or else to be bound to their good behaviour at the discretion of the Iudge.

31. So likewise at the common Law, if a man had taken my servant from me, I might have had an action of Trespasse, *Quare vi & armis, &c.* but if he had procured the servant to depart, who did depart accordingly and he retained him, or if he had departed of his owne head, and another had retained him knowing of the first retainer, an Action did not lye at the common Law, *Quare vi & armis, &c.* but an action upon the case did lye upon the departure by such procurement, and in case where the servant did depart without any such procurement and was retained by another, there no action at all did lye by the common Law, and therefore the said statute of 23. *Ed. 3.* was made, which gives an action in these cases. *11. H. 4. 21. & 22.*

11. H. 4. 21. &
22.

32. Likewise by the common Law no man may be prohibited to worke in any lawfull trade, for the Law abhorreth Idlenesse, *Coke lib. 11. fo. 86.*

Co. lib. 11.
fo. 86.

33. Also by the common Law no man is prohibited to use diverse misteries or Trades at his pleasure, and although this was prohibited by the statute of 37. *Ed. 3. cap. 6.* yet shortly after at the next Parliament (that restraint of free Trade being found prejudiciall to the common wealth) it was enacted againe that all persons should be as free to use severall Trades as they were at any time before, as appears by the statute of 38. *Ed. 3. ca. 2.* and therefore without an Act of Parliament no man may be restrained either to worke in any lawfull Trade or to use diverse mysteries or Trades, by any ordinances or by-lawes made to restraine the same, but such by-lawes and ordinances are meerely voide and against the law.

Co. lib. 11.
fo. 54.

34. Also it is lawfull for any person to use privately any Trade, as of a Cooke, Brewer, Baker, Taylor, or such like, in his owne house, or in the house of any other, for the private use of the family, although such person were never Apprentice to the Trade.

Who are com-
pellable to
serve by the
statute.

Fitz Na. Br.
fo. 168. b.

35. By the statute of 23. *Ed. 3.* and the rest of the statutes above mentioned, a Iustice of peace may command vagrant persons to prison if they will not serve and labour, and they may command the Gaoler to let them at large without other writ, and if a man be retained in service and goe vagrant out of his service another man may compell him to serve or labour, because he is out of service, *Fitz. Na. Br. fo. 168. b.*

Fitz. Na. Br.
fo. 168. i.

36. He which hath not lands sufficient of his owne to manure or hath not some mistery or occupation to live upon, shall be compelled to serve and labour by the said statute of 23. *Ed. 3. Fitz. Na. Br. fol. 168. i.*

37. In an action upon the statute of Labourers the defendant saith that he holdeth land, for which he ought to doe certaine dayes works yearly to the Bishop of D. at his Mannor of S. and demands Iudgement if he shall be compelled to serve, and the plaintiffe saith that he had but six acres for which he shall pay but six dayes worke, upon which the defendant demurred in law, and it was awarded by the Court

Court that the plaintiffe shall be barred of his action, the reason is, that if he shall bee retained with another, it will not be lawfull for him to depart from him to doe the six dayes worke, nor to doe any worke, 40. Ed. 3. 39. Brooke Labourers 5.

38. An Infant of the age of five yeares is not compellable to serve by the said statute by reason of his disability of body, for the statute requireth that he should be *potens in corpore*. 41. Ed. 3. 17. Brooke Labourers 6.

39. In an action of false imprisonment the defendant justifieth (being Lord of the tenant) because the plaintife was vagrant, and I. N. complained for lacke of a servant, and required him to serve, and he would not, wherefore he put him in the Stocks, and the plaintiffe said that he had two Acres of land, five sheepe and ten Cowes to the value of 20. l. to be occupied, and the defendant said that hee had but a cottage and no land, and so not sufficient to be occupied, and the other said and maintained that he had sufficient Chattels to bee occupied, and thereupon the issue was joyned, which proves that if his Chattels were sufficient to imploy him in labour, he is not compellable to serve as a servant. 47. Ed. 3. 18. Br. Lab. 14.

40. An action was brought upon the statute of Labourers against a litle Damosell of the age of ten yeares upon retainer and departure, and the plaintiffe declared against her, and the defendant said that she is but of the age of Ten yeares, and demanded Iudgement of action, and because it appeared to the Court by inspection that shee was not of age to make a Covenant, therefore the writ was abated, and there Rickhill said that she is not of age to bind herselfe by Covenant, *ante annos nubile*, that is to say before the age of 12. yeares, 2. H. 4. 5. Br. Lab. 19.

41. In an action upon the statute of Labourers, it was said that the statute of Anno 23. Ed. 3. cap. 1. is, that *quilibet potens in corpore* ought to serve, and by Hankford an Infant of 12. yeares retained ought to serve 7. H. 4. 5. Br. Lab. 20.

42. A man brought an Action upon the statute of Labourers for taking his servant out of his possession, the defendant said that the servant is an Infant under the age of Ten yeares, and because the plaintiffe could not gainsay it, he was barred of his action, 38. Ed. 3. 5. Br. Lab. 24.

43. An Artificer as a Carpenter, Taylor, Shooemaker, and such like shall not be compelled to serve by the statute of husbandrie, contrarie of servants of husbandrie, and therefore in an action of debt brought by the Carpenter, Taylor, or such like for his wages, the master may wage his law, but not in an action brought by a servant in husbandrie, and yet if a Carpenter, Taylor, Shooemaker, or other Artificer will be retained in service and depart, an action lies of the departure, although that they shall not be constrained to serve; for the first Article of the statute of Labourers 23. Ed. 3. compels servants

vants of husbandrie to serve, and the second Article ordaines that if any retained in service depart from his master, an Action shall lie of the Departure, 33. H. 6. 14. Brooke, Labourers 36.

44. In an action upon the statute of Labourers, if the defendant were vagrant, and was required to serve, and refused; by *Martin*, if he be retained with one to serve by the day, and is required by another to serve by the yeare, there he shall serve the first the day which he was hired, and after that day ended he shall serve the other by the yeare; but if he be retained for twenty or forty dayes, and be required by another to serve by the yeare, he ought to serve the latter, for a retainer by twenty or forty daies is no usuall retainer, but otherwise it is of a retainer by the day, and by him if a man be retained for a yeare, and after is vagrant, and doe not serve accordingly, there; if another him require to serve he ought to obey that request. 11. H. 6. 1. Brooke, Labourers 49.

11. H. 6. 1.
Br. Lab. 49.

45. A servant shall be compelled to serve in Summer in the place where hee served in Winter before, and the Lords of the Towne and Iustices of peace may command vagrants to prison which will not serve, and if a man retaine a servant for forty daies, and another retaine him for a yeare within the forty dayes, the first retainer is thereby discharged, because the first retainer was not according to the statute, *Fitz. N. 4. Br. fo. 168. f. Br. Lab. 51.*

Fitz. N. 4. Br.
fo. 168. f.
Br. Lab. 51.

What is a
good retainer
within the
statute and
what not.
3. H. 6. 23.
Br. Lab. 51.

46. If a man retaine a Labourer to serve him in husbandrie according to the forme of the statute, this is a good retainer, although no wages be mentioned, but it is otherwise if a man retaine a Carpenter to make a Mill, or such like, for in the one case the wages is certaine by the statute and not in the other. 3. H. 6. 23. Br. Lab. 51.

47. An Action upon the statute of Labourers was brought against one which was retained in the office of an Imbroiderer who departed within the Terme, the defendant demands Iudgement of writ, because the statute doth extend only to servants and labourers and not to Artificers, but this exception was not allowed, whereby it appears that this was a good retainer according to the statute 47. E. 3. 22. Br. Lab. 51.

47. Ed. 3. 22.
Br. Lab. 51.

48. An Action upon the statute of Labourers was brought against a Chaplaine who had covenanted to be Seneschall to the plainetiffe, and Chaplaine of such a parish Church, for that he departed within the Terme, and as to the office of Seneschall it was adjudged that the Action is well brought, but as to the Chaplaine the Action doth not lie, for that he is neither common Labourer, nor Artificer, but is the servant of God, and therefore as to that he was discharged. 50. E. 3. 13. Br. Lab. 51.

50. Ed. 3. 13.
Br. Lab. 51.

11. H. 4. 42.
Br. Lab. 51.

49. A retainer upon condition is a good retainer within the said statute. 11. H. 4. 42. Br. Lab. 51.

11. Ed. 3. 13.
Br. Lab. 51.
Fitz. N. 4. Br.
fo. 168. f.

50. If a man that is insufficient and not able to keepe a servant retaine a servant to serve him by the yeare, this is no good retainer. 38. Ed. 3. 12. Br. Lab. 51.

51. An

51. An Action upon the statute of Labourers was brought, and the defendant said that he was retained to collect the rents of the plaintiffe without that, that he was retained in the office of a labourer, and this was adjudged a good plea; for the statute is only of those which may be required to serve as Labourers, and that is not a Collector of rents, for it is not reasonable that a man should be compelled to be accomptable. 19.H.6.53.Br.Lab.28.

52. If a man retaine a servant to serve in his house, that is a good retainer, although he doe not expresse in what office he shall serve, that is to say a servant in Husbandry, Cooke, Butler, horsekeeper, or such like. 21.H.6.9.Br.Lab.29.

53. By *Markham* and *Ascue* Iustices, an Infant may bind himselfe a Prentice, but *Newton* and *Passon* Iustices say, that is by custome and not by the common Law, and it is there agreed that one may be constrained by the statute to serve but not to be an Apprentice, and by *Passon*, if an Infant be retained to serve, & an Action upon the statute of Labourers is brought against him, it is a good plea for him to say that he is an Infant, but by *Markham* that is; where he is under the age of 14. yeares; for at the age of 14. yeares he is *potens in corpore* according to the statute, and therefore such retainer is good. 21.H.6.33.Br.Lab.30.

54. If I retaine a servant for a yeare, and so from yeare to yeare, taking for his wages according to the statute, and if he serve Eight yeares he shall have an Action for his wages, and he may not depart without reasonable warning, but where he is retained for one yeare and continueth for Eight or Ten yeares, now the first retainer shall serve for all, and is but one retainer within the statute for all the yeares. 38.H.6.14.Br.Lab.36.

55. If I retaine a servant to serve me by the yeare at any time that I shall require him; this is no good retainer within the statute. 22.H.6.30.Br.Lab.31.

56. An Action upon the statute of Labourers for taking of the plainetiffes retained servant, the defendant said that the servant made the Covenant by dures and was within age, and the defendant had 20.l. land, and the servant is his Sonne and heire apparant, and by *Babington* if such a sonne make a Covenant to serve, this is a good retainer, although he were heire apparant to 100.l. land. And if he were of the age of discretion and made such a Covenant to serve in Husbandry, that shall bind him, and so it was agreed by the Court, and there it was said by *Martin* that a man may lawfully be imprisoned if he will not serve according to his Covenant, but this shall be by the officers of the King and not by the party himselfe. 9.H.6.10.Br.Lab.43.

57. If a labourer be retained to serve for Terme of his life, this is no good retainer within the statute. 2.H.4.15.Br.Lab.44.

58. Note that he which is *non potens in corpore* and he which hath lands,

38.H.6.12.
Br.Lab.46.

lands and a Gentleman, Cooke, Butler, Chaplaine, Yeoman, and such like shall not be constrained by the statute to be retained in Husbandry, yet if they will be retained in Husbandry; this retainer is good.
38.H.6.22.Br.Lab.40.

10.H.6.8.
Br.Lab.47.

59. The retainer of a Chaplaine to serve as a Chaplaine is no good retainer within the said statute, nor no Action will lye for his departure upon the said statute, for it is intended that he hath whereof to live, although he be not alwayes disposed to celebrate divine service. 10.H.6.8.Br.Lab.47.

Fitz Na.Br.
fo.168.d.

60. If a man retaine an Infant of the age of 12. yeares or upward be it man or woman to serve in Husbandry; this is a good retainer by the said statute, *Fitz. Na.Br. fol. 168.d.*

Fitz Na.Br.
fo.168.e.

61. If a Gentleman which by the statute is not compellable to serve in Husbandry, or a Chaplaine, or a Carpenter shall put themselves by Covenant to serve in Husbandry, they shall be bound thereby, and this is a good retainer by this statute, and upon their departure out of such service an Action lyes against them upon this statute, *Fitz. Na.Br. fo. 168.e.*

Fitz Na.Br.
fo.168.f.

62. If a man retaine one for forty dayes to serve him and another after retaine him for a yeare, the first retainer is defeated, because it was not according to the statute; and so if one be retained to serve at every time that he shall be required, that is no retainer according to the statute, but if it be by deed, it is a good Covenant upon the deed, and without deed it is voide, *Fitz. Na.Br. fo. 168.f.*

Fitz Na.Br.
fo.168.h.

63. If a man retaine another to serve him and doe not expresse how long he shall serve; this is a good retainer according to the statute, and he shall serve a yeare, *Fitz. Na.Br. fo. 168.h.*

Fitz. Na.Br.
fo.168.o.

64. If the husband and wife be retained during the marriage, this is a good retainer, and if they depart an Action shall be maintained against them upon the said statute.

What he cau.
ses for a servant
to depart from
his service.

65. The detaining of competent meate, drinke, lodging, or wages from a servant are good causes to depart from his service, *Fitz. Na.Br. 168.l.*

Fitz Na.Br.
fo.168.l.&q.
29.Ed.3.32.
Br.Lab.35.

66. Also if the master or his wife without cause beate the servant or otherwayes for cause beate him outragiously, these are good causes for the servant to depart, and yet the master by Law is allowed with moderation to chastise his servant or apprentice, *Fitz. Na.Br. fo. 168.l.&q.*

Fitz Na.Br.
fo.168.n.

67. Also the servant may depart by the license of his master, *Fitz. Na.Br. fo. 168.l.*

68. But if a woman which is a servant take a husband, this is no cause to depart from her service, but shee ought to serve out the residue of her Terme, *Fitz. Na.Br. fo. 168.n.*

6.Ed.4.2.
Br.Lab.38.

69. If the master will discharge his servant by word and say unto him that he shall serve him no longer, this is a good cause for the servant to depart, for he cannot serve him against his will, but upon such discharge

discharge the servant shal have his wages for the time he hath served,
6. Ed. 4. 2. Br. Lab. 38.

70. In an Action upon the statute of Labourers for departing from his service the defendant said that he was retained with the plainetiffe in the office of Carpenter to make a house, and that he came unto him to doe his service, and the master him discharged, and this was holden to be a good barre of the Action. 11. H. 4. 32. Br. Lab. 22.

How a master
may discharge
his servant.

11. H. 4. 32.
Br. Lab. 22.

71. In an Action of maintenance the defendant justifieth to ayd the plaintiffe, because he was his retained servant, and the plaintiffe said that after the retainer and before the maintenance, that is to say, at D. in the County of M. the master him discharged of his service whereunto the servant agreed, whereby it appeareth that the master may not discharge his servant within the Terme, except that the servant agree thereunto no more, then the servant may depart from his Master without the masters license or agreement. 19. H. 6. 30. Br. Lab. 27.

19. H. 6. 30.
Br. Lab. 27.

72. If a man retaine a servant for a yeare and he discharge him at Easter in the same yeare, to which the servant agreeth, he shall not have an Action for any part of his wages for the service done before nor after, for nothing is due untill the end of the yeare, for the contract is entire and may not be severed. 10. H. 6. 23. Br. Lab. 48. otherwise it is if the servant be within age, for then his agreement to the discharge is voide, and he shall not be bound by it.

10. H. 6. 23.
Br. Lab. 48.

73. If a servant that is retained for a yeare happen within the time of his service to fall sicke, or to be hurt or lamed, or otherwise to become *non potens in corpore*, the master must not put such servant away nor abate any part of his wages for such time, Dalton pag. 74.

Dalton pag. 74.

74. The Lord may take his villaine out of the service of another if he have need of servants, otherwayes not, Fitzh. N. 4. Br. 168. m.

Who may take
a servant from
his master that
retained him.

75. In an Action upon the statute of Labourers for taking a servant out of his masters service, the defendant said that he is seised of the Mannor of B. to which the servant was a villaine reguardant, wherefore he tooke him, &c. and this was holden no good plea, for where a villaine is retained in anothers service, it is not lawfull for the Lord to take him from his master, unlesse the Lord have need of such a servant, whereupon the defendant said that the servant was a Shepheard, and that hee having need of a Shepheard tooke him, and this was holden to be a good plea, for the statute will that the Lords should be preferred in their villaines before others. 27. H. 6. 2. Br. Lab. 3.

27. H. 6. 2.
Br. Lab. 3.

76. In an Action upon the statute of Labourers for taking his servant retained out of his service, the defendant said that he is Lord of the Mannor of W. to which this servant was and is a villaine reguardant, and is a Carter, and he hath need of a Carter, by reason whereof he tooke him, and this was held to be a good justification, for the

47. Ed. 3. 16.
Br. Lab. 13.

Statute of Labourers, viz. the statute of 23. Ed. 3. ca. 1. & 2. is *quod domini preferantur in nativis suis*, 47. Ed. 3. 16. Br. Lab. 13.

50. Ed. 3. 22.
Br. Lab. 17.

9. H. 4. 32.
Br. Lab. 33.

77. If a man retaine a servant which is the villaine or retained servant of another, the Lord or the master that first retained him may take him out of the possession of him that last retained him, but before he take him he ought to give notice of his former retainer, or of the villenage. 50. Ed. 3. 22. Br. Lab. 17.

2. H. 4. 13.
Br. Lab. 18.

78. If a man have a feme sole in his service, and another man takes her to wife, he may do that lawfully, but it is not lawfull for him to take her out of her service during the terme that she is bound to serve, 2. H. 4. 13. Br. Lab. 18.

Fitz. Na. Br.
fo. 168. d.

50. Ed. 3. 22.
Fitz. Na. Br.
fo. 143. i.

79. If a man taketh an Infant or other servant out of another mans service, this is punishable; though the Infant or servant was not retained, but if an Infant being retained as an Apprentice, or servant happen to be a Ward, the Lord may take him from his master; for the Lords title is more ancient then the retainer, yet the Lord ought first to give notice thereof to his master, or else the master may lawfully detaine him, 50. Ed. 3. 22. Fitz. Na. Br. fo. 143. i.

28. H. 6. 11.
Br. Lab. 4.

80. If a servant be retained by one, and depart from his master, and then is retained by another, it is lawfull for the first master to take him out of the possession of the second master, so as he give notice to the second master of the former retainer, 28. H. 6. 11. Br. Lab. 4.

Who may re-
ceive or retaine
a servant that
is retained
with another.

81. If a man retaine the servant of another, not knowing of the former retainer, he shall not be punished for this, if he do not detaine him after notice of it, Fitz. Na. Br. fol. 168. b.

82. A servant departeth from his master, and one that had married his mother found him vagrant, and the servant came with him to his house and continued there a day, the father in law for this is not punishable by the statute: And likewise in this case, if the father had brought the servant to a schoolemaster to bee taught, and the schoolemaster receive him into his schoole, this is no offence in the schoolemaster, for he is not bound to take notice that he was in service: And also if a servant have broken his legge or Arme, or received any other hurt that he cannot goe, and a Surgeon comes to him to cure his wound, this is no offence in the Surgeon, or if a servant come unto me and pray me to receive him into my service, which I doe, this is no offence in me, for I am not bound to take notice of the former retainer; And likewise if a servant come to mee, and intreat me for Gods sake to give him lodging, which I doe accordingly, this is justifiable, and no offence against this statute, for it is an Act of Charitie. And likewise if the servant of another man commeth to labour with me, his master shall have no action against me for this cause, but if I procure him to come and labour with me knowing him to be the servant of another man, I shall bee punished by this statute. 9. H. 4. 32. Br. Lab. 33.

9. H. 4. 32.
Br. Lab. 33.

Who shall be
said in Law a
servant within
the statute of
23. Ed. 3.

83. He which is retained to serve, although hee never come to his

his master, nor be actually in his service, hee is a servant within the intention of this statute, and if he be retained and refuse to doe his labour, this is a departure in law, and punishable by this statute, 41. Ed. 3. 20. Br. Lab. 7. 46. Ed. 3. 4. 47. Ed. 3. 14. 3. H. 6. 37.

84. An Apprentice is no servant within the intention and meaning of the statute, 45. Ed. 3. 13. Br. Lab. 8. 21. H. 6. 33. Br. Lab. 30. 39. Ed. 3. 22. Br. Lab. 35. & Fitz. Na. Br. fol. 168. g.

85. A Chaplaine retained to say divine service is no servant within the meaning of the statute 46. Ed. 3. 14. Br. Lab. 10.

86. I have the more enlarged my selfe upon this title of Labourers, because I see by continuall experience that not onely the Idleness of those that will not labour, but also the excessive wages of such as doe labour, and of all manner of artificers is the most great and generall grievance that is in Ireland, and thereupon all these inconveniences doe ensue: *videlicet*, first, of Idleness ensueth Thefts and Rebellions, for Idleness is the nurse of both. Secondly, of the excesse of wages in servants and labourers in husbandrie ensueth poverty in the farmors and freeholders that live by husbandrie onely, for the excesse of servants and labourers wages eateth up the greatest part of the profit that may be raised by manuring the land, whereby the farmor is so impoverished that he is not able to pay his rent, and to beare other countrey charges, nor to inclose his land, or to live and breed his children in any decent fashion, by meanes whereof the land is not improved to the one halfe of the value it might be at, and so the Landlords loose a great part of their revenue, besides the preventing of many stealthies which could not be so frequently committed as now they are, if the lands were inclosed. Thirdly, by the excesse of wages in Masons, Carpenters, and other artificers, the farmors and inferior freeholders are constrained for the most part to live in base cottages more fit for hogstyes then for men to dwell in, and no marvell for by the negligence of the Iustices of peace in not rating of wages and putting these statutes in execution it is come to this passe that a Ioyner will take Two shillings sterling *per diem* with meat and drinke for his Iourneyman, and 12. d. sterling with meat and drinke, for a boy that can scarce bore a hole as it should be; and this I speake of mine owne knowledge, and therefore I wish that the Iustices of peace would henceforth better remember their oaths, the duty of their places, and the good of the common wealth then hitherto they have done, but if the Iustices of peace shall wilfully continue still their neglect herein, I cannot but let them know, that for this their neglect they are (and that worthily) for their neglect to be punished in the Star chamber.

Sum Guilhelmi Bold de Tre-yr-*Misprison:*
ddol in Comitatu Anglesey
Armigeri,

Misprision. CHAP. 43.

1. **T**Here be also certaine offences which by the common Law are misprision of treason or felonies, or at least punishable in the same degree and more, as to draw a sword to stricke a Iustice, sitting in place of Iudgement; to strike a Iuror in the presence of the Iust. sitting in place of judgement, or to stricke another in the house where the Courts of Iustice are kept, sitting any of the Kings Courts there, or to draw any weapons (therewithall to strike any person) in the presence of the Iustices, or to make any Affray in their presence they sitting in Iudgement, or to rescous any such offender, these are such misprisions for which the offendour shall have more grievous punishment then for misprisions of Treason or felony, for in these cases the offender shall not only forfeit all his goods and chattels, and the profits of his lands during his life, and be imprisoned during his life, but also shall have his hand cut of.
2. The counterfeiting of the coine of gold or silver of other Countreyes, which is not currant in this Kingdome, is by a statute made in 28. *Eliz. ca. 7.* enacted to be misprision of high treason in the Actors, their procurers, ayders, and abettors.
3. Note that every treason or felony, doe include misprision, so that where any person hath committed treason or felony, the King may cause the offender to be indicted and arraigned but of misprision.
4. Misprision of Treason or felony is properly when one knoweth that another hath committed, or is about to commit any treason or felony, but was not, or is not consenting thereto, and yet will not discover the offender to the King or his Councell, or to some Magistrate, but conceales both the offence and the offenders.
5. For misprision of treason, the offender shall forfeite to the King all his goods and chattels for ever, and the profits of his lands during his life, and also shall be imprisoned during his life, but for misprision of felony the offender shall be only fined and ransomed as it seemes, and shall be committed to prison untill he hath paid his fine. 3. *H. 7. fol. 10.*
6. Note for the offenders in high treason, misprision of treason and *pramunire*, that although the Ju. of Peace by their Commission nor by statute cannot medle with them in the very point of their offences, saving in some particulars, and that by way of inquiry only, which you may see *hic antea tit. felony*, yet for that all treasons and such other offences are against the peace of the King and of the Realme, therefore upon complaint made to the Iustice of peace, or other knowledge had by him of any such offenders, it shall be his part to cause such offenders to be apprehended, and to take their examinations, and the information upon oath of such as bring them or of others

22. Ed. 3. 138.
Stamf. 38.Stam. 37. & 38.
Br. contempts
9. 0.

P. Paine 16.

28. El. ca. 7.
in Ireland.Stamf. 37. d.
Cromp. 44.

Stamf. fo. 37.

Br. Treason, 19.
Stamf. fo. 38.3. H. 7. 10.
Br. Treason 35.

others that can prove any thing materiall against them, and to put the same in writing (under the hands of the Informers) and then to commit the offenders to the Gaole, and also to bind over by recognisance all such as doe declare any thing materiall, to appeare and give evidence against such offenders, before the Lords of the Kings Majesties privy Councell, or elsewhere, when they shall be called upon reasonable warning, or before the Iustices of Assises at the next generall gaole delivery, and after to certifie their doing therein to some of the Lords of his Majesties said Councell.

Dalton p. 212.

Nightwalkers. CHAP. 44.

1. **E**Very Iustice of peace (*ex officio*) and by the first *Afignavimus* of the Commission may cause to be arrested all Nightwalkers, be they strangers or other persons that be suspected, or that be of evill behaviour, or of evill fame, and more particularly all such suspected persons as shall sleepe in the day time, and goe abroad in the night season, haunt any house that is suspected for bawdery, or shall in the night time use other suspitious company, or shall commit any other outrages or misdemeanors, and may force them to finde surety for their good behaviour, see the title, surety for the good behaviour.

13. H. 7. 10.

Dalton pa. 76.

Peace. CHAP. 45.

1. **E**Very Iustice of peace hath authority and power given him, by the first *Afignavimus*, or clause in the Commission, to keepe and cause to be kept the Kings majesties peace, by force of which words they have aswell the ancient power touching the keeping of the peace which the ancient conservators of the peace had by the common Law, as also all authority which the statutes since have added thereto, and so they may cause to be kept all the statutes and Lawes now in force, which beene made for the peace or keeping thereof, and more especially they may arrest or cause to be arrested and sent to the Gaole all Traitors, Murtherers, Robbers, and Felons, and persons suspected of such things, and all such are guilty of any misprision, or *premunire*.

Dalton pa. 79.

2. They may also suppress and bind to the peace or good behaviour all Affrayors, and all persons unlawfully and riotously assembled or unlawfully wearing armour or any weapons, by night or by day, or otherwayes putting the people in feare and all unlawfull nightwalkers and barrettors, and the like, all which may well be said to be disturbances or breaches of the peace, see more fully of these under their particular Titles.

Dalton p. 80.

Poffe

Posse Comitatus. CHAP. 46.

1. **V**Here the Iustice of peace, Sheriffe, or other officer is enabled to take the power of the County, it seemeth they may command, and ought to have the helpe and attendance of all Knights, Gentlemen, Yeomen, Husbandmen, Labourers, Tradesmen, Servants, and Apprentices, and of all other such persons, being above the age of fifteene yeares, and that are able to travell.

2. But women, Ecclesiasticall persons, and such as be decrepit or diseased of any continuall infirmity, shall not be compelled to attend them.

3. And in such cases, it is referred to the discretion of the Iustices of peace, or Sheriffe, &c. what number they will have to attend upon them, and how and after what manner they shall be armed, weaponed, and otherwise furnished.

4. But it is not justifiable for the Iustices of peace, Sheriffe, or other officer, to assemble *posse comitatus* or raise a power or assembly of people (upon their owne heads) without just cause.

What persons may take posse comitatus and in what cases.

CHAP. 47.

Dalton 314.

1. **A**Ny Iustice of peace or Sheriffe, may take of that County where he is a Iustice or Sheriffe, any number that they shall thinke meete, to pursue, apprehend, arrest and imprison Traitors, Murderers, Robbers, and other felons, or such as doe breake, or goe about to breake, or disturbe the Kings peace, and every man being required, ought to assist and aide them.

Dalton ibid.

2. The Iustice of peace and Sheriffe, or undersheriffe may take *posse comitatus*, for the suppressing of riots, and all sorts of persons (being able and required) ought to assist them therein.

14. H. 7. 8.

3. Yea any one Iustice of peace may take the power and aide of the whole Countrey to suppress Rioters, and needs not to tarry for the coming of another Iustice, or of the Sheriffe.

Dalton 314.

4. Also in cases of forceible entry any Iustice of peace may take *posse comitatus* to remove such persons as by his view, or by inquisition taken before him, shall be found to have made any forceible entry (into other mens possessions) or to detaine them with force.

3. H. 1. 7. 10.

Co. 1. 1. 15. p.

Dist. 4. prelor.

5.

Br. fine p. 27.

Br. Riots 23.

5. The Sheriffe, Undersheriffe, or Bailiffe, &c. if need be, may by the common Law, take the power of the County (what number they shall thinke good) to execute the Kings processe or writ, be it a writ of execution, replevin, estreperment, *capias* or other writ, it being the Kings commandement (see also the statute *Westm. 1. 17. Westm. 2. 39.*)

and

and such as shall not assist them therein, being required, shall pay a fine to the King.

6. The Sheriffes Bailiffe to execute a Replevin tooke with him three hundred men armed (*modo guerino*) with brigandines, jacks, and guns, and it was holden lawfull, for the Sheriffes officer hath power to take assistance aswell as the Sheriffe himselfe, for that all is one office and one authority. 3. H. 7. 1. Br. Trespass 266.

7. A man demands the peace in the Chancery against a great Lord, and hath a *supplicavit* directed to the Sheriffe, there if need shall be, the Sheriffe may take his *posse comitatus* to aid him to arrest such a Lord, &c. Dalton 324.

8. So it seemeth, if a *supplicavit* be directed to a Iustice of peace, the Iustice of peace or the officer to whom the Iustice of peace shall make his warrant in this behalfe (upon resistance made) may if need be take *posse comitatus* to aid him to arrest the party, *quia quando, aliquid mandatur, mandatur & omne per quod pervenitur ad illud. Co. 5. 115.* Dalton ibid. Co. li. 5. fo. 115.

9. The Sheriffe may take *Posse comitatus* to apprehend felons, &c. or disturbers of the Peace.

10. So he may take *Posse comitatus* to execute the precept of the Iustice of Peace.

11. The Constable of the Towne upon a treason or felony committed, or upon any affray or the like, may take the aide of his neighbours, or other persons being present, to apprehend the Traytor or felons, or to cause the peace to be kept, and to carry the offenders before the Iust. of peace. 3. H. 7. 10. 11. H. 7. 19. Br. Trespass 432.

12. One hath hurt another, whereby he is in perill of death, the Constable may take power or aide to arrest him that did the hurt. 38. Ed. 1. 89.

Pramunire. CHAP. 48.

1. **E**Very Iustice of peace may cause all such as are suspected to have fallen into the danger of a *Pramunire* to be arrested and to commit the offender upon probable prooff thereof, and this he may doe by the first *assignavimus* of the Commission, for nothing can be more against the peace and good government then bringing in and extolling of forraigne Iurisdctions and authority, and therefore it will be needfull to informe the Iustices of peace what offences by the lawes and statutes of force in Ireland will bring a man into the danger of a *Pramunire*.

2. At the common law before the statute of 25. Ed. 3. *de proditionibus*, the extolling of forraigne Iurisdiction was Treason, but by that statute the law is altered, and as well in that Parliament as in many other parliaments severall provisions have beene made against offenders of this kinde, the substance and effect of which statutes are here expressed as followeth, *videlicet*:

Rome,
Abbies.
Priories.

Executors.

Protection.

Excused.

Court.

Sue.

Answer.

Attornies,
Executors,
Protection.

Forfeite.
Impris.

Exigent.

3. *In anno 25. E.3.c.22.* It is ordained that because that some doe purchase in the Court of Rome provisions to have Abbies, and Priories in the Kings Dominions in destruction of the Realme, and holy Religion, every man that purchaseth such provisions of Abbies or Priories, that he and his Executors and Procurators which doe sue and make execution of such provisions, shall be out of the Kings Protection, and that a man may doe with them, as with enemies of our Sovereigne Lord the King and the realme, and he that shall commit any thing against such provisors in body or in goods, or in other possessions, shall be excused against all people, and shall never be impeached or grieved for the same at any mans suit.

4. Afterwards in *anno 27. E.3.c.1.* another statute was made to this effect, that is to say, because that it is shewed to the King by the grievous and clamorous complaints of great men and commons, how that diverse of the people be and have beene drawne out of the realme, to answer of things, whereof the cognisance pertaineth to the Kings Court, and also that the Iudgements given in the same Courts be impeached in another Court, in prejudice and disherison of the King and of his Crowne, and of all the people of his said realme, and in the undoing and destruction of the common Law of the same Realme at all times heretofore used, whereupon good deliberation being had with the great men, and other of his said counsell, it is assented and accorded by our soveraigne Lord the King, and the great men and commons aforesaid, that all the people of the Kings liegeance, of what condition that they be, which draw any out of the Realme in plea, whereof the cognisance pertaineth to the Kings Court, or of things whereof Iudgements be given in the Kings Court, or which doe sue in any other Court to defeat or impeach the judgements given in the Kings Court, shall have day containing the space of two months by warning made to them in the place where the possessions be which bee in debate, or where they have lands or other possessions, by the Sheriffes, or other the Kings ministers, to be before the King and his counsell, or in his Chancerie, or before the Kings Iustices in his places of the one bench or other, or before other the Kings Iustices, which to the same shall be deputed to answer in their proper persons to the King of the contempt done in this behalfe, and if they come not at the said day in their proper persons to stand to the Law, then they, their procurators, attornies, executors, notaries, and maintainers shall from that day forth be put out of the Kings protection, and their lands, goods, and cattels forfeit to the King, and their bodies wheresoever they may be found shall bee taken and imprisoned, and ransomed at the Kings will, and upon the same a writ shall be made to take them by their bodies, and to seise their lands, goods and possessions into the Kings hands, and if it be returned that they be not found, they shall be put in exigent and outlawed, provided alwayes, that at what time they

they come before that they be outlawed, and will yeeld them to the Kings prison to bee justified by the Law, and to receive that the Court shall award in this behalfe, that they shall be thereto received the forfeiture of the lands, goods, and cartels abiding in their force, if they doe not yeeld them within the said two months, as afore is said.

5. After this in Anno 38. E. 3. ca. 1. another statute was made to this effect following; *videlicet*: It is provided and ordained, that all they which have obtained, purchased & pursued personall citations, or other proces in times past, or hereafter shall obtaine, purchase or pursue such like against the King or any of his Subjects in the Court of Rome, and also all they that have obtained, or shall obtaine in the said Court, Deaneries, Archidiaconries, Provostries, and other Dignities, offices, chappels, or benefices of holy Church pertaining to the collation, gift, presentation, or disposition of the King, or of other lay Patron of his said Realme, and also all like persons obtainers of Churches, Chappels, offices, or benefices of holy church, pensions or rents amortised and appropriated to Churches Cathedral, or collegiate Abbies, Priories, Chanteries, Hospitals, or other poore houses; before that such appropriations and amortisements be avoided and adnulled by due processe, and also all they which have obtained in the same Court Dignities, Offices, Hospitals or any benefices of Churches which be occupied at this present season by reasonable title, by any persons of the said realme, if such impetrations bee not fully executed, or shall obtaine hereafter like benefice, whereby prejudice, damage, or let hath beene or may be done hereafter to him, or to his said Subjects or persons, heritages, possessions, rights, or any goods, or to the lawes, usages, customes, franchises, and liberties of this realme, and of his Crowne, and also all their maintainers, counsellors, abbetters, and other ayders and fautors wittingly, as well at the suite of the King as of the partie or other whatsoever he be of the realme, finding pledges and sureties for to pursue against them, in this case all the said persons defamed and violently suspected of such impetrations, pursuits or grievances by suspition, shall be arrested and taken by the Sheriffes of the places, and the Iustices in their Sessions, Deputies, Bailiffes, and other of the Kings ministers, and by good and sufficient mainprise, put in baile or other suretie (the shortest that may be) and shall be presented to the King and his Councell, there to remaine and stand to right, to receive what the law shall give them, and if they be attainted or convict of any of the said things, they shall have the paine comprised in the statute made in the 25. yeare of the raigne of the said King, *E. 3. de prisonibus*, and if any person defamed or suspect of the said Impetrations, prosecutions, or grievances, or enterprises, be they out of the realme or within cannot be attached nor arrested in their proper persons, and doe not present them before the King and his Councell, within two moneths next after that

Citations.

Dignities.

Maintainers.

Suretie.

Arrest.

Sheriffe.

Mainprise.

Defamed.

Two moneths.

Iustices.
Answer.

Pardon.

33.E.3.ca.4.

Farmers.

Benefice.

Lycence.
Aliens.

Gold, Silver.

Licence.

Pass over sea.

Licence.

Licence.

they be thereupon warned in their places (if they have any) in any of the Kings Courts, or in the Counties, or before the Kings Iustices in their Sessions, or otherwise sufficient to answer to the King and to the partie, to stand, and be at the Law in this case, before the King and his Councell, shall be punished by the forme and manner comprised in the said statute made in the seven and twentieth yeare of the said Kings raigne (which is a *premunire*) and otherwise as to the King and his Councell, shall seeme to be done, without any grace, pardon or remission, to be made by the King, without the will and assent of the partie that shall prove him to be grieved, and without making to him due satisfaction in this case.

6. And after in the same yeare *ca. 4*. It is ordeined that if any person of what estate or condition that he be, by any manner attempt, or doe any thing against the said ordinances, or any thing comprised in them, the same person shall be brought to answer in the manner as afore is said, and if he be thereof attainted or convict, he shall be put out of the Kings protection, and punished after the forme of the said statute made the said 27. yeare of *Ed. 3*.

7. Afterwards in *anno 2. R. 2. ca. 3*. another statute was made to this effect, *videlicet*: that none of the Kings liege people, nor other person, of what estate or condition soever he be, shall take nor receive within this Realme procuracy letter of attorney nor ferme, nor other administration by Indenture, nor in any other manner of any person in the world, of any benefice within the said realme, but onely of the Kings liege people of the same realme, without the speciall grace and expresse licence of the King by the advice of his Councell, and if any before this time have accepted of any Aliens, such procuracies, termes, or administration; that they shall utterly leave them within forty dayes after publication of this ordinance, and that none of the said liege people nor other that may be found in the said realme shall send by vertue of such procuracy, ferme, or administration, gold, silver nor other Treasure nor commoditie out of the said Realme, by letter of exchange by merchandise, nor in other manner, to the profit of the said Aliens, without like license of the King, by the advice of his said Councell, and if any doe the contrary in any point contained in this ordinance, he shall incurre the paine and punishment contained in the statute of provisors made in 27. *Ed. 3*. by the same processe comprised in the said statute, and by warning to be made to them in their benefices or other their possessions within the Realme.

8. After this in *anno 12. R. 2. ca. 15*. another statute was made to this effect, that is to say that no liege man of the King of what estate or condition that he be, great or litle, shall passe over the sea, nor send out of the Realme of England by license, nor without license, without speciall license of the King himselfe to provide or purchase for himselfe a benefice of holy Church, with cure or without cure in the said

said Realme, and if any doe and by vertue of such provision accept by himselfe, or by any other, any benefice of the same Realme, that from that time the same provisor shall be out of the Kings protection and the same benefice voide, so that it shall be lawfull to the patron of the same benefice aswell spirituall as temporall to present to the same an able Clarke at his pleasure.

Protection.

Volde.

Patron.

Present.

9. Moreover in anno 16. R. 2. ca. 5. it is ordeined by Parliament at the prayer of the commons, that if any purchase or pursue or cause to be purchased and pursued in the Court of Rome or elsewhere, any such translations, processses, and sentences of excommunication, bulles, instruments, or any other thing, which touch the King against him, his Crowne and regalitie, or his Realme, and they which bring within the Realme, or them receive, or make thereof notification, or any other execution within the same Realme, or without, that they, their notaries, procurators, mainteinors, abettors, fautors, and Counsellors shall be put out of the Kings protection, and their lands and tenements, goods and chattels forfeite to the King, and that they be attached by their bodyes, if they may be found, and brought before the King and his Councell, there to answere to the cases aforesaid, or that proces be made against them by *præmunire facias*, in manner as it is ordeined in other statutes of provisors and others, which doe sue in any other Court in derogation of the regalitie of our soveraigne Lord the King.

Sue.

Court of Rome.

Bulles.

Procurators.
Mainteinors.
Protection.

Forf.

Præmunire
facias.

10. In anno 2. H. 4. ca. 4. it is ordeined that aswell they of the order (of *Cisteaux*) as all other religious or Seculars of what estate soever that they be, which doe put any of the popes bulles in execution, or from thenceforth doe purchase other such bulles of new, or by colour of the same buls purchased, doe take advantage in any manner, proces shall be made against them, and every of them by garnishment of two moneths by writ of *præmunire facias*, and if they make default or be attainted, then they shall incurre the paines and forfeitures contained in the statute of provisors made in anno 16. R. 2.

Bulles.

Præmunire
facias.
Forf.

11. In anno 7. H. 4. ca. 6. it is ordeined that no person religious nor secular, of what estate or condition that he be, by colour of any buls conteining priviledges to be discharged of dismes pertaining to parish Churches, prebends, hospitals, or vicariges, purchased before the first yeare of King *Richard* the second, or after not executed shall put in execution any such buls so purchased, or any such buls to be purchased in time to come, and if any such religious or secular person from thenceforth by colour of such buls, doe trouble any persons of holy Church, prebendaries, keepers of hospitals, or vicars, so that they cannot take nor enjoy the dismes due or appertaining to them of their said benefices, that then such disturber shall incurre like processe and paine, as is ordeined by the statute made against them of the order of *Cisteaux* in the second yeare of the Raigne of King *Henry* the fourth.

Religious.

Disturbe.

Paine.

32. H. 6. ca. 1.
in Ireland.

12. *Anno 32. H. 6.* in Ireland it is ordained and established that all the acts, ordinances and statutes made against provisors aswell in England as in Ireland, be had and kept in force within this land of Ireland, and also if any provisor or provisors doe henceforwaide sue any provision upon any man beneficed in this land of Ireland, and because of the provision, do enter into any benefice or benefices of the Church, and doe take any goods or chattels from any beneficer of the church against whom any such provisions are sued, that then the party grieved may recover treble damages, and hee that taketh such goods, and thereof is convicted shall pay 20. l. the halfe to the King and halfe to him that will sue.

7. Ed. 4. ca. 3.
in Ireland.

13. *Anno 7. Ed. 4.* it is ordeyned and enacted that whatsoever manner man of holy church purchase any manner of dignity, parsonage or vicarage, by Bulls of the pope to hold in *commendum*, and the said Bulls, dignities, parsonages, or vicarages accept, that they shall be out of the protection of the King and forfeit the value of the said benefices during his life naturall, notwithstanding whatsoever his benefice be, dignity, or personage, or vicarage, and shall incur in all penalties of the statutes or ordinances made against provisors of benefices, and that no pardon or license of the King made or to be made be availeable but voide, if it be not by Act of Parliament, and if any manner man of the Church occupy now, or hereafter doe occupy any personage, or vicarage by way of *commendum* by the Bulls Apostolique, if it be of his owne collation, that he shall make collation thereof within six moneths, and if he doe not that then the deane and chapter of the diocese, in which diocese the benefice is, shall make collation of the said benefice within six moneths then next ensuing, and if the said Deane and Chapter be negligent and make no collation of the said benefice within six moneths as before is said, that then it shall be lawfull to the King to present to the said benefice for that time, and as often as the cases require, as is aforesaid.

10. H. 7. ca. 5.
in Ireland.

14. *Anno 10. H. 7.* it is enacted and established that all manner of statutes aswell made within the Realme of England as within this land of Ireland against provisors by the authority of this present Parliament be authorishd, approved and confirmed, and be deemed good and effectuell in the Law, and also by the authority aforesaid, that all and every of the statutes made against provisors be from henceforth duely and straightly executed in all points within the said land, according to the effect of the same, and the Kings Iustices, and Commissioners of the said land diligently enquire at their Sessions, and all other times requisite and behovefull, of all and every manner of person or persons that hereafter offend the said statutes, or any of them, and every of the said persons so found defective or trespassing in any of the said statutes, from henceforth be duely corrected and punished in example of all other in time to come, according to the tenor and purport of the statutes made against provisors.

15. *Anno*

15. *Anno 28.H.8.ca.5.* amongst other things it is ordeined and enacted by authority of Parliament, that no person or persons, subjects or resiants of this land shall pursue, commence, use, or execute any manner of provocations, appeales, or other processees to or from the Bishop of Rome, or from the See of Rome, or to or from any other that claime authority by reason of the same for any manner of case, grieve, or cause of what nature soever it be, upon the pain that the offenders their ayders, counsellors, and abettors, contrary to this Act, shall incurre and runne into such paines, forfeitures, and penalties as be specified and contained in the Act of provision and *premunire*, made in the Realme of England in the sixteenth yeare of the Raigne of King *Richard* the second, sometime King of England and Lord of Ireland, against such as procure to the Court of Rome, or elsewhere to the derogation, or contrary to the prerogative or jurisdiction of the said Crowne of England, and that no manner of person, subject or resiant within this land shall attempt, procure, or obtaine, any manner of proces of what kinde or nature soever it be, to or from the same Bishop of Rome, or Court of Rome, or See Apostolique, or from any other, having authority by the same, to the let or interruption of this Act, or any thing therein contained, nor in any wise obey or execute within this land such manner of processe, upon like paines and forfeitures as beene above rehearsed.

16. *Anno 2.Elix.ca.1.* It is amongst other things ordeined and enacted that if any person or persons dwelling or inhabiting within this Realme, of what estate, dignitie or degree soever he or they be, shall by writing, printing, teaching, preaching, expresse words, deeds or Act, advisedly, maliciously, and directly affirme, hold, stand with, set forth, maintaine and defend the authority, preheminance, power or jurisdiction, spirituall or ecclesiasticall of any forraigne prince, prelate, person, state or potentate whatsoever, heretofore claimed, used or usurped within this Realme, or shall advisedly, maliciously & directly put in ure or execute any thing for the extolling & advancement, setting forth, maintenance or defence of any such pretended or usurped jurisdiction, power, preheminance or authority, or any part thereof, that then every such person and persons so doing and offending, their abettors, aiders, procurors, and Counsellors, being thereof lawfully convicted and attainted according to the due order and course of the common Lawes of this Realme, for his or their first offence shall forfeite and loose all his and their goods and chattels aswell reall as personall, and if any such person so convicted or attainted shall not have or be worth of his owne proper goods and chattels to the value of twenty pounds at the time of such his conviction or attainder, that then every such person so convicted and attainted over and besides the forfeiture of all his said goods and chattels shall have and suffer imprisonment by the space of one whole yeare without baile or mainprise, and that also all and every the benefices,

benefices, prebends, and other Ecclesiasticall promotions and dignities whatsoever of every spirituall person so offending and being attainted, shall immediately after such attainder be utterly void to all intents and purposes, as though the incumbent thereof were dead, and that the patron and donor of every such benefice, prebend, spirituall promotion and dignity, shall and may lawfully present to the same or give the same in such manner and forme, as if the said incumbent were dead; and if any such offender or offenders after such conviction or attainder doe afterwards commit or doe the said offences, or any of them in manner and forme aforesaid, and be thereof duely convicted and attainted, as is aforesaid, and then every such offender or offenders shall for the same second offence incur into the dangers, penalties, and forfeitures, ordeined and provided by the statute of provision and *præmunire* made within the Realme of England in the sixteenth yeare of the Raigne of King *Richard* the second, provided alwayes that no manner of person or persons shall be molested or impeached for any of the offences aforesaid, committed or perpetrated only by preaching, teaching or words, unlesse he or they be thereof lawfully indicted within the space of one halfe yeare next after his or their offences so committed, and in case any person or persons shall fortune to be imprisoned for any of the said offences committed, by preaching, teaching or words onely, and be not thereof indicted within the space of one halfe yeare next after his or their such offence so committed and done, that then the said person so imprisoned, shall be set at liberty and be no longer detained prisoner for any such cause or offence, provided alwayes and be it enacted by the authority aforesaid, that this Act or any thing therein contained, shall not in any wise extend to repeale any clause, matter or sentence contained or specified in an Act of repeale made in the third and fourth yeares of the Raignes of King *Philip* and Queene *Mary*, as doth in any wise touch or concerne any matter in case of *præmunire*, or doth make or ordeine any matter or cause to be within the case of *præmunire*, but that the same for so much onely as toucheth and concerneth any case or matter of *præmunire*, shall stand and remaine in full force and effect as the same was before the making of this Act contained to the contrary in any wise notwithstanding. And if it shall happen that any peere of this Realme shall fortune to be indicted of and for any offence that is revived or made *præmunire* or Treason by this Act, that then the same peere or peeres so being indicted, shall be put to answer to every such indictment before such peere of this Realme, of English blood, as by the Lord Deputy or governours of this Realme shall be by Commission appointed under the great seale, and to have his and their triall by this and their peeres, and to receive and have such like judgement upon the same triall of his or their peeres, or making open confession of the same offence or offences, as in other cases of Treason and *præmunire* hath beene used. And it is further

further enacted that no person or persons shall be indicted or arraigned for any the offences made, ordeined, revived and adjudged by the said Act, unlesse there be two sufficient witnesses or more, to testifie and declare the said offences, whereof he should be indicted and arraigned, and that the said witnesses or so many of them as shall be living and within this Realme at the time of arraignment of such person so indicted, shall be brought forth face to face before the party so arraigned, and there shall testifie and declare what they can say against the party so arraigned, if he require the same, provided that if any person or persons shall hereafter happen to give any reliefe, aide or comfort or in any wise be aiding, helping or comforting to the person or persons of any that shall happen to be an offendor in any matter of case of *præmunire*, or Treason, revived or made by this Act, that then such reliefe, aide, or comfort, given shall not be judged or taken to be any offence unlesse there be two sufficient witnesses at the least that can and will openly testifie and declare that the person or persons that so gave such reliefe, aide, or comfort, had notice and knowledge of such offence committed and done by the said offendor at the time of such reliefe, aide, or comfort, so to be given or ministred.

17. And now I have set forth the statutes of *præmunire*: I will here also set forth some few booke cases and resolutions, for the better explanation of those concurrent statutes.

18. In 44.E.3. a *præmunire* was brought against diverse, some as principals, and some as accessaries, the principals made default and the accessaries appeared and demanded judgement, if they should be put to answer before the principals were attainted, and it was adjudged that they should answer, for in a *Præmunire* all are principals, and there be no Accessaries. 44.E.3.fo.7.
Br.præmunire
4.
3.H.4.fo.6.
Br.præmunire
6.

19. If a man lease his vicarige for yeares or life paying rent, and sue in the Ecclesiasticall Court for the recovery of this rent, he is in case of a *Præmunire*: for the rent reserved is a lay thing, and not Ecclesiasticall. 44.E.3.fo.36.
Br.præmunire
5.

20. In a *Præmunire* in the Kings Bench the opinion was that if a Clarke sue another man in *curia Romana*, for a thing spirituall, where he may have remedie within this Realme in the Court of the Ordinary, that he is in case of a *Præmunire*, *quia trahit in placitum extra regnum*. 9.E.4.fo.3.
Br.præmunire
9.

21. Note that the words of the statute are *in curia Romana vel alibi*, which is intended in *Curia Episcopi*, and therefore if a man be excommunicate or prosecuted in the spirituall Court for a thing which appertaines to the common Law, hee that prosecuteth such suit is in case of a *Præmunire*. 5.E.4.fo.6.

22. A prohibition lieth often where a *Præmunire* lyeth not, as of Tithes of great Trees, or for Tithes of the seventh part a prohibition lieth, and not a *Præmunire*, for the nature of the action be- Br.præmunire
16.

longeth to the spirituall Court, but not the cause in this forme, but where it is of a lay thing or of a thing which never appertained to the spirituall Court, of that a *Præmunire* lieth as of debt, against Executors upon a simple contract, or *pro lesione fidei*, upon a promise to pay Ten pounds by such a day, *Doct. & Student. lib. 2. ca. 24.*

2. R. 3. fo. 17.
Br. præmunire
19.

23. If Executors sue for the goods of their Testator in the spirituall Court, they are in case of a *Præmunire*, for in 34. H. 8. *Richard Farmer* was attainted in a *Præmunire*, and forfeited his Fee simple land for ever, for suing for the goods of his Testator in the spirituall Court.

2. Aff. pl. 29.

24. There be some opinions in 8. aff. that a benefice donative by the patron onely is a lay thing, and the Bishop shall not visit nor deprive, and therefore if he medle with it in that kinde, he is in the case of a *Præmunire*, and in that case was *Barloe* Bishop of Bath in the time of King *Edward* the sixth, and was constrained to obtaine a pardon, because he had deprived the Deane of *Wels* which was a Donative by the Kings letters pattents.

25. I have beene more large in this Title, because many men of great quality and good understanding in Ireland are very confident that the papall Iurisdiction never received any check or opposition in England or Ireland before the time of King *Henry* the Eight, and therefore to make it to appeare to all men that will but open their Eyes to see the truth, I have set downe the said ancient statutes, and booke cases, whereby it plainly appeareth that in the very height of poperie, when prince and people, Laitie and Clergy were of the popes religion, yet in all ages of those very times the papall Iurisdiction was mainely opposed and utterly rejected, and great and grievous penalties, *videlicet*: losse of lands and goods and perpetuall imprisonment was inflicted upon all such as should uphold or any wise maintaine that papall Iurisdiction within these Kingdomes of England and Ireland.

Purveyors. CHAP. 49.

28. E. 1. articuli
super cart. c. 1.
Without war-
rant

1. **F**OR the reformation of abuses & oppressions committed by Purveyors, diverse good Lawes and statutes have beene made in England, which are of force in Ireland, and because that the Iustices of peace are enabled to put many of those statutes in execution in part or in the whole, I shall here expresse the effect of so many of them as I conceive the Ju. of P. have to doe withall, which are these following, *vide* the statute of 28. Ed. 1. articuli. super cart. cap. 2. It is enacted amongst other things, that if any make takings without warrant, and carry them away against the will of the owner, he shall be immediately arrested by the Towne where the taking was made, and shall be sent to the next gaole, and if he be attainted thereupon, it

it shall be done of him as of a Theife, if the quantitie of the goods will warrant it. Felonny.

2. Also it is enacted in *anno* 5. E. 3. ca. 2. that the takings and purveyances for the houses of the King, the Queene, and their children be made by praifements to bee made by the Constables and other discreet men of the Townes, where there shall be such takings and purveyances, thereto sworne, and without menace, as in the statutes of 28. E. 1. aforesaid, and 4. E. 3. ca. 3. is contained, and that betwixt the purveyors, and them whose goods shall be taken, there be in the presence of the Constables and praifers, Talles made and sealed with the purveyors seales, by which talles, satisfaction shall bee made to them, from whom such goods shall be taken, and if any taker or purveyor for the said houses, doe take in any other maner, he shall be incontinently arrested by the Towne where such taking was made, and brought to the next gaole, and if he be thereof attainted it shall be done of him as of a Theefe, if the quantitie of the goods the same require. 5. E. 3. cap. 2. 3. E. 3. ca. 2.
constable.
Oath.
Talles.
Arrest.
Impris.
Felonny.

3. The purveyances which shall be made for the Kings houses and the Queenes, where they doe abide and passe through the countrey, shall be made by warrant, and power given to them, which shall make the purveyances, in which shall be expressly contained, that they shall take nor buy nothing, unlesse it be by promise made betwixt the buyer and the seller, and by the agreement of the sellers, and if any will any thing take by colour of his Commission against this ordinance, none shall be bound to obey him no more then if he had no commission, and of that which shall bee so bought and purveyed, payment shall be made to the seller before that the King passe out of the vierge, and of great purveyances to be made, as of flesh, fish and other victuals, for the Kings warres, and for to vittaile Castles, and townes of Scotland and England, and other places, certaine Merchants and other good people shall be deputed by the Treasurer to make the said purveyances without Commissions, and without the Kings or others power, so that the people nor none of them be put to sell any thing against their will, and that no Commission be made to the keepers of the Kings horses, but be it onely commanded to the Sheriffe, that he make purveyance by him and by his of the issues of his bailiwicke, and the number of the horses, for which he shall make such purveyance, shall be contained in the said commandement, and that no purveyance bee made over this number, saving that the chiefe keeper have an Hackney, and that he take good heed, that the countrey be not charged of more then shall keepe the horses, but for every horse a boy, without bringing women, pages, or dogs with them, and if more be found abiding in charge of the countrey, they shall be brought to the prison, there to remaine till the King hath sent his will; and in the same manner be it commanded to the Sheriffes that they make their purveyances for 14. E. 3. ca. 19.
Warrant.
Payment.
Vierge.
Warres.
Marchants.
Treasurer.
Commission.
Sheriffe.
Horses.
Overcharge.
Imprison.
Sheriffe.
Dogges.

the Kings dogs of the issues of their Bailiwicks where they dwell, and that such purveyances be made by none other, but by the Sheriffs, and be it contained in his commandements the number of the dogs, for which he shall make purveyance over which number no purveyance shall be made, so that they live of their certaine, without charging the countrey, and if any finde himselfe grieved against this ordinance, he shall have his recovery against the Sheriffe of such grievances done to him. *Anno 14. E. 3. cap. 19.*

25. E. 3. ca. 1.

Corne.
Measure.
Hay.Viduals.
Constables.

Oath.

Talles.

Impris.

Felony.

Commissions.

Great seale.
Privy seale.

25. E. 3. ca. 15.

Sheepe.

Shorne sheepe.

4. Also by another statute made *in anno 25. E. 3. ca. 1.* it is ordained that forasmuch as outrageous damage hath beene done to the people by the Purveyors of victuals for the houses of the King, the Queene, and their Children, it is, &c. that the takers of Corne for the said houses, shall take the same by measure striked, according as is used throughout the land, and that such Corne, hay, liture, bestaile and other victuals and things which shall be taken for the said houses, shall be praised by the very value, by the Constable and other good people of the Towne where such taking shall bee made, without that the praisers by menaces or duers shall be driven to set any other price then their oath will, and as it commonly runneth in the next markets, and that betwixt the Purveyors and them whose goods shall be taken, in the presence of the Constables and praisers, Talles bee made incontinently, without that the people whose the goods shall be, be drawne or travailed elsewhere, and the same talles bee sealed with the seales of the takers of the things so taken, by which talles satisfaction shall be made to them, whose goods shall be so taken, and if any Purveyor or taker for the said houses doe in any other manner, he shall be immediately arrested by the Towne where the taking shall be made, and brought to the next gaole, and if he be thereof attainted, it shall be done of him as of a Theefe if the quantity of the goods the same require, according as in a statute made in the time of the said King in the fifth yeare of his raigne, and in another made in the time of the said Kings Grandfather upon such takings is contained at the full, and from thenceforth in the Commissions of such takers and Purveyors the intent and paine limited in this statute shall be contained, and that no Commission be made but only under the Kings great seale, or privy seale, nor no man be bound to obey any such Commissions, in other manner then is aforesaid, and that the same statutes take place in all points against every taker and Purveyor of every manner of victuall in every part of the realme of what condition soever he bee. *Anno 25. Ed. 3. cap. 1.*

5. And likewise by another statute made *in anno 25. E. 3. ca. 15.* it is ordeyned that forasmuch as the takers and buyers of the Kings takings doe take sheepe, betweene Easter and Saint Iohn Baptist with their woolls, and praise the same at a small price, and after send them to their owne houses, and cause them to be shorne to their owne profits,

fits, no such Taker, Purveyor, nor buyer shall take any sheepe before the time of shearing; but only so many as may reasonably suffice till the time of shearing, and after that time they shall take as many sheepe shorne, (and none other) as may reasonably suffice them for the time to come, and if any Taker, Purveyor or buyer of the realme doe against the same, and be thereof attainted at the suit of the King, or of the party, it shall be done of him as of a Theife or a robber, and the paine shall be contained in every Commission of such purveyors.

25. E. 3. cap. 15.

6. By another statute made in 34. E. 3. ca. 3. it is enacted that of purveyances made to the use of the Queene, and the Prince, of Poultrie and of other small things, payment shall be made in hand upon the taking; and of other great purveyances, within the moneth or six weekes in the Countries where they shall be taken, and that the number of such Purveyors bee abridged in as much as conveniently may be, for the aide and quietnesse of the common people. Anno

34. Ed. 3. ca. 3.

7. Likewise in Anno 36. E. 3. upon grievous complaint against purveyors, the King of his owne will, without motion hath ordeined that from thenceforth no man of his realme shall have any taking, but only himselte and the Queene his companion, and moreover it is ordained and established that upon such purveyances from thenceforth to be made for the houses of the King and of the Queene, ready payment shall be made in hand, that is to say at the price as such victuals bee sold commonly in the markets thereabout, and that the heynous name of purveyor be changed and named buyer, and if the buyer cannot well agree with the seller for that that he shall need, then the takings which shall be made for the said houses, shall be made by the view, testimony, and apprisement of the Lords or their Bailiffes, Constables, and foure good men of every Towne, and that by Indenture to be made betwixt the buyers and the said Lords, or Bailiffes, Constables, and foure men containing the quantity of their taking, and of the price, and of what persons, and that the praisements be made in conveneable and easie maner without dures, compulsion, manace, or other villanie, and that the takings and buyings be made in such places where greatest plenty is, & that in a conveneable time, and that no more be taken then shall be needfull in the season for the said two houses, and that the number of the buyers be minished in as much as well may, and that such be buyers, which be sufficient to answere to the King and his people, and that none of them have Deputy, and that the Commissions be sealed with the great seale and every halfe yeare returned in the Chancery, and other newly made, and that in the said Commissions be comprised all the matter and manner of their takings and buyings, and then all the former Commissions of purveyors be wholly repealed, and that no man be bound to obey the buyers of other Lords against their agreement and will,

Felony.

34. E. 3. ca. 3.

Poultrie.
Payment.

Six weekes.

36. E. 3. ca. 2.

Ready pay-
ment.

Victuals.
View.
Lords.
Bailiffes.
Constables.
Foure townes-
men.
Indenture.

Sufficient.

Commissions.
Great seale.
Chancery.

nor

Ready pay-
ment.Corne.
Mault.
Measure.Ready pay-
ment.Life and
member.Extortion.
Reward.

Malice.

Damages.

Impriso

Accomp.

16.E.3.ca.5.
Horses.Hunters.
Faulconers.
Sergeants
of armes.Lord.
16.E.3.ca.6.

nor to the buyers of the said houses, unlesse they make ready pay-
ment in hand, as before is said, and that no man be put in contempt
because of disobedience made in this behalfe, and that the takings of
all manner of Corne, and mault, for the said two houses be measured
by measure, according to the standerd stricken, and not by heape, and
for the carriages of the said Corne and mault, and for all manner of
takings and buyings to be made for the said two houses ready pay-
ment to be made in hand in the same manner, as for the takings and
buyings afore said, and that there be no more carriage taken then nec-
deth and shall be necessary in this behalfe, and if any buyer after the
new Commissions made, make any takings or buyings, or taking of
carriage in other manner then is comprised in his said Commission
he shall have punishment of life and of member, as in other statute is
ordained of purveyors, *Anno 36. Ed. 3. cap. 2.*

8. No buyers of victuals, nor takers of carriages, take nor receive
of any one or other any gift or other good turne, for sparings to be
made, nor shall not charge, nor grieve any man by occasion of such
takings, buying and such carriages, for hatred, envy, evill will, or pro-
curement, and if he doe and be thereof attainted at the suite of the
party, he shall yeild to the party his treble damage, and shall have
imprisonment of two yeares, and also be ransomed at the Kings will,
and after forswear the Court, and if the party will not sue, he that
will sue for the King, shall have the third penny of that that shall be
recovered for his labour, and neverthelesse the buyer and taker shall
have the paine as before is said in the same article *super cart.* and that
every buyer upon his account shall declare and divide severally all
the takings and buyings of every County, Towne, village, and per-
son, *Anno 36. Ed. 3. cap. 3.*

9. No man of the said two houses (*videlicet*, the Kings house and
the Queenes house) hold more horses in the livery, where these hou-
les shall be, then is ordeined by the statute of the Kings house, and if
any doe otherwise, then of the horses found over the number limit-
ted to him by the statute it shall be done as the said statute will, and
that no man of the said two houses of what estate or condition, that
he be, have purveyor or foregoer, to make any purveyance or takings,
but that they or their people buy that, that them needeth, of them
that will sell the same of their good agreement, and pay readily in
hand, according as they may agree with the fellers, and if they doe
otherwise, such punishment shall be made upon them as afore is said
of buyers, and that hunters, faulconers, sergeants at armes, and all
other which be at wages or pertaining to the said two houses, shall
have the same penance if they doe against the same, *Anno 36. E. 3.
cap. 5.*

10. *Item*, that no Lord nor none other of the said Realme of what
estate or condition soever he be, except the King and the Queene shall
make any taking by him or any of his servants in any manner of his
victuals,

victuals, but shall buy that which they shall need, of such as will sell the same of their good will, and for the same shall make ready payment in hand, according as they may agree with the seller, and if the people of Lords, or of other doe in other manner, and thereof be attainted, there shall be done of them such punishment of life and member, as is ordeined of buyers, *Anno 36. Ed. 3. cap. 6.*

11. The statutes of purveyors made before this time be firmly holden and kept and put in due execution joyning to the same, that if the servants of other Lords and Ladies, which be not comprised in the said statutes, doe from thenceforth take within any part of this Realme victuals or carriages, to the use of their Lords and Ladies, otherwise then they therefore may agree with the owners and sellers of the same, by payment thereof to be made readily in hand, that the same servants shall incurre the paine comprised in the said statutes of Purveyors, and neverthelesse the party indamaged by such servants, if he will may have his suite at the common Law, *Anno 7. R. 2. cap. 8.*

12. In the 20. yeare of H. 6. it is ordeined that the statutes before time made of Purveyors and buyers, shall be holden and kept, and put in due execution, and in case that any Purveyor, buyer, or taker, will take and make purveyance, or buy any thing to the value of 40. s. or under, of any person, and make not ready payment in hand, that then it shall be lawfull to every of the Kings liege people, to retaine their goods and chattels, and to resist such Purveyors and buyers, and in no manner wise suffer them to make any such Purveyances, buyings, or takings, and for the peace better to be kept, that every Constable, Tithingman, or chiefe pledge of every Towne or hamlet, where such purveyances or takings shall be made, shall be aiding or assisting to the owner or feller of such things to be against the forme of this ordinance, to make resistance in the forme aforesaid, in case that such Constables, Tithingman, or chiefe pledge bee required that to doe, upon paine to yeeld to the partie so grieved the value of the things so taken with his double damages, and that none of the Kings liege people be put to losse or damage by the King or any officer for such resistance, and that none of the Kings officers shall doe to be arrested, vexed or impleaded in the Court of the Marshalsey or elsewhere, any of the Kings liege people for such with-holding or not suffering to be done upon paine to lose twenty pounds, the one moiety of that to the King, and the other moiety to him which will in such case sue, and that the Iustices of peace in every County shall have power by authority of this ordinance to enquire, heare, and determine, aswell at the suite of the King as of him that will sue, of any thing done against this ordinance and thereof to make due punishment and execution, and to award damages to the party plaintiffe, when any defendant is thereof duely convict, and that in every Action to be taken upon this ordinance every party defendant shall be put to answer to that without aide of the King, and in such Actions to be taken, proces shall

Victuals.
Ready pay-
ment.

Life and
member.

7. R. 2. ca. 8.

Servants.

Victuals.
Carriage.

20. H. 6. ca. 6.

40. s. ready
payment.

Resist.

Constable.
Tithingman.

Forf.
Moiety.

Iustice of peace.
Oyer and Ter.

Damages.

No aide.
Proces.

Commission.

Sheriffe.

shall be made, as in a writ of Trespasse done against the peace, and that in every Commission of Purveyors, takers, or buyers, to be made this ordinance shall be contained and expressed, and moreover that this ordinance among other statutes of Purveyors, buyers, or takers, before this time made, shall be sent to the Sheriffes of every County to proclaime and deliver the said statutes and ordinances in the manner and forme contained in the statute of purveyors and buyers, made in the first yeare of the Raigne of the said King. *H.6.* And moreover the King will and commandeth that the statute made the six and thirtieth of King *Edward* late King of England after the cōquest touching Purveyors of other persons then of the King, shall be put in due execution, *Anno 20.H.6.cap.8.*

23.H.6.ca.2.

Sworne.
Chancerie.Townes.
Reft.

Action of debt.

3. Value.
3. Damages.

Forf.

Writ of debt.
Issue.
County.Sergeant of
Caterie.

13. In *anno 23.H.6.ca.2.* it is ordained that the said statutes of *an. 36.E.3.* from thenceforth should be duely kept and put in due execution, and moreover that every purveyor and buyer, before that he shall have any Commission shall be sworne in the Chancery, that he shall take nothing of the people contrary to the said ordinances, and moreover forasmuch as the poore people be not of power, nor dare make resistance against the purveyors and buyers, nor sue them by the law, though that they doe contrary to the said statutes, It is ordained by the same authority that the praisers, and also all the Towne and townes adjoyning, if need be, shall be bound to doe their devour and power to resist the buyers and purveyors doing contrary to the said statutes, and as much as in them is to execute the said statutes upon the said Purveyors, if they be required, and that he which is grieved of his goods taken contrary to the said statutes and ordinances, may chuse to have either an Action of debt against the said praisers, Towne, or Townes, and every of them which doe not their devour in resistance of the said Purveyors, or buyers, in the forme afore said, when they shall be required or else against the said Purveyors, or buyers, and every of them, to recover the treble value of his goods so taken, and moreover his treble costs and damages, and if any purveyor and other the Kings officer doe trouble or vex any of the Kings liege people in the marshalsey or elsewhere, by any evill suggestion or cause fayned, imagined, or coloured upon them, because of the execution of the said ordinances, he shall incurre the paine of Twenty pound, to be paid to the party grieved over his damages and costs in that behalfe sustained, and that he thereupon shall have a writ of debt, and that every issue triable in this action shall be tried in the county where the taking of the said goods was made, and that the defendants in the said causes shall not be admitted to wage their law, and shall be put to answer without forcing, and no choyne aide of the King nor protection shall be to them allowed, and that the Sergeant of the Caterie shall satisfie all the damages, debts and executions which shall be recovered against every Purveyor and buyer, underneath him in all the cases afore said, in case

case that the Purveyor or buyer be not sufficient to satisfie, and the party complainant shall have a *scire facias* to have execution against the said Sergeants in the case, and that these statutes and ordinances shall be sent to the Iustices of the peace in every County to proclaim them every yeare, and thereof to informe the people. *Anno*

23. Hen. 6. cap. 2.

14. If any buyer or other officer of any Lord or person, of what estate, degree, or condition that he be, presume upon him to take, or otherwise doe take any victuals, Corne, or hay, carriages, or any other thing whatsoever, of any of the Kings liege people, in any wise against their will without lawfull bargaine betwixt the said buyers, or officers, and the said liege people thereof to be made, to the use of the said Lords for their houses, but all onely for the King and the Queene and their houses, that then if notice or request be made to the Mayor, Sheriffe, Bailiffe, Constable, Officers, or other of the Kings ministers, of Cities and Borroughes or other Counties or places, where such taking shall happen to be, that the said Mayor, Sheriffe, Constable, Officer, and Minister, to whom such notice or request shall be made, by and by shall take and arrest all such buyers and officers so doing or offending, and them shall send to the Kings next prison there to remaine and not to be let to baile nor maineprise till the time that they have restored all the said victuals, carriages, and other things so taken, or the very value of the same, and if the said Mayor, Sheriffes, Bailiffes, Constables, and Officers afore said doe contrary to this, that then they shall forfeite twenty pound, whereof the King shall have the halfe, and the party from whom such things be taken the other halfe, if he will sue, by an Action of debt, in the which the defendant shall not doe his Law, and if he will not sue, whosoever will sue for the King and himselfe, shall have the suite to recover to himselfe the one halfe thereof and the King the other halfe, and if any of the said buyers other then of the King and the Queene, be duely convict of such unlawfull taking (as afore is recited) at the suite of such parties as shall be against them in this behalfe, that then they shall yeild to the party which so sueth the treble value of the victuals or other thing so taken, and the double costs of their suits, and for the said trespasses to make fine and ransome to the King, and that in all such Actions or suits afore said the Kings protection shall not be allowed nor availeable for the defendant, provided alwayes, that by this Act the punishment ordained against the Kings Purveyors in no wise shall be restrained, *Anno 23. H. 6. cap. 14.*

15. And lastly by a statute made in Ireland in anno 18. H. 6. It is enacted that from thenceforth no Purveyor, Harbinger, nor Aveyner, be within the said land, but that the Iust. of the said land of Ireland that then was, and the Leivetenants, Iustices, or Governours that for the time should be, should pay or agree with them from whom any goods should be taken by their Achators, and if the said Lievete-

Scire facias.

*Iust. of P.
Proclamations*

23. H. 6. ca. 14.

Lord.

Victuals.

Corne.

Hay.

Carriage.

Mayor.

Sheriffe.

Bailiffe.

Constable.

Arresta.

Impris.

Mainprise.

Mayor.

Sheriffe.

Bailiffe.

Constable.

Forf.

Moitie.

Action of debt.

Convict.

3. Value.

2. Costs.

Fine.

nants, Iustices, or Governours by their Achatours doe not in the order aforesaid, it should be lawfull to him whose the goods are to make resistance to such Achatours or officers without offence or impeachment of the King. And it was also agreed and established that all the statutes in this behalfe made within the Realme of England be holden and kept in all points and put in execution in this land.

16. These statutes I have rehearsed the more at large to the end that it may thereby appeare what grievous oppressions have beene committed in times past by Purveyors, and that every man may understand the ease and benefit which the subjects of Ireland enjoy by the royall composition heretofore made and established and now continued in this kingdome.

Riots, Routs and unlawfull assemblies. CHAP. 30.

Lamb. 184.

34. Ed. 3. 1.

P. Iust. 18.

Dalton p. 97.

14. H. 7. 8. 9.

Dalton p. 97.

1. **A**Ny one Iustice of peace alone may use all good meanes to prevent a Riot or Rout before it be done, and for to stay it whilst it is in doing, and in the doing may take and imprison the Riotters, and bind them to their good behaviour, but being once done and committed, one Iustice of peace can neither record the Riot, nor make enquiry thereof, nor assesse any fine, nor award any proces, nor otherwise meddle to punish it, (in the nature of a Riot, or Rout) but only as a Trespasse against the peace, or upon the statutes of Northampton, or of forcible entries.

Cramp. 69.

2. And yet if one Iustice of peace sitting in a judiciall place (as in the Sessions) shall see a Riot, he may command them to be arrested, and may make a record thereof, and the offenders shall be concluded thereby, but if one Iustice of peace shall see a Riot in another place and shall command them to be arrested, and shall make a record thereof, the offenders shall not be concluded thereby, but may traverse it.

Br. Judges 2.

& 10.

9. H. 6. 50.

9. Ed. 4. 3.

3. If a Iustice of peace will commit a man to ward, pretending untruely that he did a Riot, where he did none, the party may not have an action of trespassse upon the case against him, for an action will not lie against a Iustice or Iudge of Record in a thing that hee doth as Iudge by the opinions in 9. H. 6. 50. & 9. E. 4. 3. but if this bee done of malice or corruption he shall be punished for it in the Star-chamber.

Dyer. 210.

13. H. 4. 7.

4. Every Iustice of peace (being of, and in the County, and having notice of any Riot, Rout, or unlawfull assembly) ought to have a care of the execution of the statute made 13. H. 4. cap. 7. viz. that the Riotters, &c. be arrested and removed, for if the statute be not executed by some of the Iustices, the two next Iustices of peace shall forfeit each of them 100. l. and every other Iustice of peace within that County in whom there shall be any default, shall be fined in the Star-chamber.

5. And

5. And therefore every Ju. of P. of the County, hearing of any Riot, or of any Intention of a Riot, (without making any precept or tarrying for his fellow Iustice) shall doe well to goe himselfe, (if he be able) with his servants or other power of the County, if neede be, to the place where such persons be so assembled, and to suppress them, and all such as he shall finde riotously assembled (and armed) to arrest them, and to force them to put in suretie for the peace, or for their good behaviour, and for refusing to give such suretie, or in default of suretie to imprison them; Also he may take away their weapons and armour, and seize and prise them for the King. 14.H.7.9.

6. And if the Ju. of P. (being come to the place) shall not finde the Riotters, yet come thither, he may leave his servants there, to restrain them in their said enterprise, or else to arrest such offenders when they shall come, if they shall offer to commit any Riot, or to breake the peace. 14.H.7.10.
Br. peace 7.

7. So if the Ju. be sicke, and shall heare of a Riot, he may send his servants (or other power of the County, if need be, as it seemeth) to the place to repress it, or to arrest such offenders, and to bring them before him, to finde sureties for the peace, and all this he may doe, and command by word of mouth, without any warrant in writing, and without expecting the coming of any his fellow Iustices, or of the Sheriffe or undersheriffe. 14.H.7.10.
Br. peace 17.

8. Also any one Iustice of peace (by the first *Assignavimus* in the Commission) may cause to be kept and put in execution all other statutes made for the repressing of Riots, force and violence, but therein he must deale onely according to the forme and order in such statutes prescribed. Dalton pa. 98.

9. But the ordinary power of punishing of Riots belongeth unto two Ju. of P. at the least, and therefore the two next Iustices of peace which dwell nearest in the County where any Riot, assembly or Rout of people shall be against the law (together with the Sheriffe or undersheriffe of the County upon complaint or other notice of the Riot,) shall doe execution of the statute 13. H. 4. 7. *videlicet*, of all and every part thereof respectively, as to them is appointed; Every one of them upon paine of 100. l. and in default of the two next Iustices, the other Iustices of peace of and within the County (upon notice of such riot) ought to doe execution thereof, every one upon danger to be fined in the Star chamber, but the penalty of 100. l. is only to be levied upon the two next Iustices. 13.H.4.ca.7.
P. 15.
Two Iustices.
Dyer 210.
Crompt. 61.

10. And if the Riot, &c. bee great and notorious whereof by common Intendment every person may take knowledge, it is not safe for the Iustice or Sheriffe, &c. to expect and stay till complaint thereof shall be made to them, or that they shall have information or notice given them thereof, least they incurre thereby the said penalty of 100. l. a peece. Dalton 98.

11. If any other of the Iustices of peace of the County, besides those

Dalton 98.

those two which are next shall execute this statute, that shall excuse the two next Iustices, for that the statute giveth power herein to all Iustices.

Dalton 98.

12. If one, or the two next Iustices shall come, and not the Sheriffe or undersheriffe, such Iustices as doe come shall be excused of the forfeiture of 100. l. but though the said Iustices shall be excused of the said forfeiture, yet if there commeth but one Iustice of peace, he ought to arrest the Riotters, and to remove the force, and commit the riotters, otherwise he is fineable, &c.

Dalton pag. 98. & 99.

13. And if there shall bee two Iustices present, and neither the Sheriffe nor undersheriffe, yet those two Iustices are fineable, if they shall not doe all that, which (without the Sheriffe or undersheriffe) they are authorised to doe by the said statute.

Dalton pa. 99.

14. But no Iustice of peace that dwelleth in another County is bound (upon the said penalty of 100. l.) to execute the said statute of 13. H. 4. although he dwelleth next to the place where the Riot is, and although he be in the Commission of the peace for the County where the riot is, as it seemeth, for the words of the statute are, the Iustices which dwell nearest in every County where such Riot shall be, and not which dwell neare to the place where the riot shall be, and yet it seemeth safe that such Iustice dwelling out of the County upon notice of such riot, doe come into the County, and doe his endeavour to suppress the same riot, and to execute the statute, for that he is one of the Iustices of the County.

15. If the Sheriffe or undersheriffe doe not come, the Iustices ought to send for them, as Master Marrow thinketh.

P. R. 30.

16. And some seeme to be of opinion, that if the Sheriffe or undersheriffe shall not come to the Iustices, being sent for to assist them, that then all the Iustices of peace dwelling neere or remote shall be excused of the same penalty of 100. l. or of any other penalty or fine, for that the said statute doth give the Sheriffe or undersheriffe equall authority, and as it were joine him in Commission in the copulative with the Iustices of peace, but others seeme to be of another opinion, *videlicet*. that if the Sheriffe or undersheriffe shall not come, yet the Iustices of peace shall be fined if they come not and arrest the riotters, and doe not moreover proceed to doe therein all that which (without the Sheriffe or undersheriffe) they are any wayes authorised to performe.

Crompt. 61.

Dalton pa. 99.

17. Now what the Iustices of peace may or ought to doe therein, by force of this statute 13. H. 4. 7. without, or in the absence of the Sheriffe and undersheriffe is worthy consideration, as being needfull for the Iustices of peace to know, and safe for them to performe, as well for the speedy preventing of such present mischiefs as may happen to the common wealth by such dangerous assemblies, as also for their saving of the penalty of the Law, otherwise like to lye upon them.

18. But

18. But herein others (of good judgement and experience) that have written thereof, have both seemed to doubt, and written sparingly thereof, notwithstanding I shall not spare to deliver mine opinion and leave it to the further consideration of others of better judgement. Dalton pa. 99.

19. As I conceive there is no doubt, but that the Iustices of peace (without the Sheriffe or undersheriffe) upon all riots, may and ought first to goe to the place, and such riotters as they shall see or finde riotously assembled; they may and ought to arrest and to take away their armour and weapons, and to remove the riotters, and may cause them to finde sureties for the peace, or good behaviour, and for want of such sureties may commit them to the gaole, all which any one Iustice of peace may doe.

20. Also two Iustices of peace, after the riot committed, without the Sheriffe or undersheriffe, as I conceive, may and ought to inquire of the riot, and if upon such inquiry the riot be found, the Iustices may fine and imprison the offenders. P. Riots 4. Crompt. 6. 7. 8.

21. But two Iustices of peace, as I conceive, seeing a riot, may not record the same upon their owne view, without the Sheriffe or undersheriffe, and thereupon, without any inquirie, fyne them for the same, and commit them to prison till they have paid their said fyne, for by the statute the Sheriffe or undersheriffe are associated to the Iustices of peace, and have equall and joynt authoritie with them therein, and then consequently the Iustices of peace alone upon their owne view, without inquirie, can neither fyne them, nor imprison them for their fyne.

22. Yet *Fineux* chiefe Iustice, saith that this statute of 13. H. 4. was made for the common profit of the Realme, and for a hastie remedie, and to avoide a present mischiefe like to happen, and therefore shall be construed largely for the common good, and in furtherance and advancement of expedition of Iustice. 14. H. 7. 9. b. See Co. 10. 103 b. such a matter. M. Lamb. thinketh it to be the stat.

23. Also we see that any one Iustice of peace may doe all these things in case of a forceible Entrie, for any one Iu. of peace may come with the power of the County, if need be, and may arrest the offenders, and may record the force by him viewed, and this record shall be a sufficient conviction, so that he may commit the offenders to the gaole, and may fyne them. 34. Ed. 3. 1. that Fineux meant, rather then the statute of 13. H. 4. 21. H. 6. fo. 50

24. Also by some good authorities, if two Iustices of peace (without the Sheriffe) shall see a Riot they may arrest them, and make a record thereof, and the offenders shall be concluded by such record, for that the view of the riot is not to be traversed. Fitz. Iust. 9. 14. H. 7. 3. Crompt. 65. 196.

25. Also the statute 34. E. 3. ca. 1. seemeth to enable two Iustices of P. to imprison Riotters, and that without inquirie, and then consequently, it seemeth they are to make a record of the Riot. Ra. Iust. 3.

26. But as I conceive none of those authorities will warrant two Iu. of P. upon the statute of 13. H. 4. ca. 7. upon their view alone without
our

out the Sheriffe to impose a fyne upon the Riotters, and to record the same.

27. And now to the particulars of that which the two next Iustices of peace with the Sheriffe or undersheriffe must doe in execution of this statute of 13.H.4.7. Every one upon paine of 100.l.

13.H.4.7.
P.1.2.

28. First, they shall goe to the place in person, if they bee able, where the Riot, &c. shall be.

2.H.5.8.
P.12.

29. And they shall take the power of the County (if need be) *sc.* they shall have the aide of the Knights and other temporall persons under that degree, that be above the age of fifteene yeares, and bee able to travell, for all the Kings subjects that are in the County where a Riot, &c. shall be, being able to travell must bee aiding and assistant to the Iust. of peace, Sheriffe, or undersheriffe (or other Commissioners when they shall be reasonably warned,) to ride or goe, with the said Iustices, &c. Sheriffe, &c. in aide to resist such Riots, &c. upon paine of Imprisonment, and to make fyne and ransome to the King, which ransome shall be treble so much at the least as the fyne, *Dyer 232.*

Cromp. 64.

30. But it is referred to the discretion of these two Iustices, how many or few they will have to attend them in this businesse, and in what sort they shall bee armed, weaponed or otherwise furnished for it.

Cromp. 64.
Poss. Comitatus.

31. Neverthelesse, it is not good for the Iustices to assemble the power of the County, without certaine Information or knowledge of such riotous assembly, yet if upon false information of a Riot, to be at such a place, the Iustices shall cause the power of the County to be assembled, the Iustices shall be excused by reason of the information; and if without information, the Iustices shall thinke that such a riotous assembly is made in such a place, and shall assemble the power of the County to goe thither to arrest the Rioters, and when they come to the place they finde a Riot there indeed, they must arrest and imprison the offenders, and shall bee excused of the assembly made by them, but if they shall find no Riot there, then shall they be punished for making such an assembly of their owne heads without an information and without any cause.

Arrest.
Dalton 101.

32. All such offenders as they shall finde there present, they shall arrest or cause to be arrested, and shall remove the force, *sc.* shall commit to prison all the Rioters, and take away their weapons.

Dalton 101.

33. Also it seemeth, that all such as came in the company with such rioters, or in the company of any of them, if that the Iustices shall finde them there present (though they doe nothing, and though they came without any intent of their parts to commit any Riot, yet they shall be arrested, imprisoned, and fined, see to this purpose in the title forceible entry.

Mar. Le. 8.
Cromp. 53.

34. Also all such rioters, as the Iustices shall meete in their way (riotously arrayed, and coming from the place) they may arrest and

and imprison them, for that they found them unlawfully assembled, but they cannot record any riot by them done, for that they saw it not, yet they must afterward (as it seemeth) inquire thereof by a Jury, that so the offenders may be fined, &c. Dalton 102.

35. But if the Iustices doe come and see the riot committed and after the said riotters shall escape from the Iustices at that time, yet the said Iustices shall record it, but they cannot arrest them, at any other time, except it be presenly after and in fresh suite, neither can they fine the offenders nor award any proces against them upon the record which they shall make, and yet for that they saw the riot (and those riotters that be escaped, committing the riot) they shall record it, but that record shall not be kept amongst the rest of the records of the peace, but the said Iustices shall send the said record into the Kings Bench, that processe may from thence be made upon it against those riotters that be escaped, where also the said offenders shall not be admitted to any traverse, but must of necessity make fine for their said offence.

36. If after the Iustices and Sheriffe shall see the riot, the said riotters shall escape, and the Iustices and the Sheriffe shall record the same riot, and then one of the Iustices be put out of the Commission, or the Sheriffe or one of the Iustices shall happen to dye, yet shall that record be sent or certified into the Kings Bench by the other Iustice. Dalton 102.

37. Also such offenders as the Iustices saw committing the riot, though they shall escape from the Iustices, yet the said Iustices may after grant out their warrants for them, and send them to the gaole, till they shall finde surety for the good behaviour. 13.H.7.
Cromp. 196.
Dalton 102.

38. If such offenders shall depart before the comming of the Iustices, yet upon certaine information of their being there, the said Iustices may also grant out their warrants for them, and may commit them till they have found sureties for their good behaviour, and yet rather the Iustices shall doe well to proceed against them, by inquiry, and so to fine the offenders for the King, &c. Dalton ibid.
34.Ed.3.ca.1.
P.Iust.18.

39. Also in the execution of this arrest of the riotters, the said Iustices, &c. may justifie the beating, wounding, or killing of any the riotters that shall resist them, or that will not yeild themselves to them. Cromp. 61.
158.
Dalton 102.

40. Also the said Iustices may take from such riotters their Armour, harnesse, and weapons, and shall cause the same to be prised, and to be answered to the King as forfeited. Dalton ibid.

41. After the arrest made, the said Iustices (and Sheriffe or under-sheriffe) shall make a record in writing of the said riot, *scil.* of all that which they shall see and finde done in their presence against the Law without any other inquiry. Record.
13.H.4.ca.7.
P.1.

42. But if the Iustices of peace doe not themselves see the Riot, then they cannot make a record thereof, but then they must inquire thereof. Dalton 103.

43. If

Ibid.

43. If the Iustices of peace, &c. going to see a Riot, another riot shall happen in their presence, they may record this, and arrest and imprison the offenders.

Ibid.

44. So if the Riotters shall make a Riot upon the Iustices and Sheriffe that doe come to arrest them for their former riot, they may record that also.

Ibid.

45. So if two Iustices of peace and the Sheriffe or undersheriffe shall meet for any other occasion of service, or for any private businesse (as upon an arbitrement or other like matter) and a riot shall happen to be done upon themselves, or in their sight, they may record it, and may arrest and imprison the offenders.

9.H.6.fo.60.

Crompt. 63. 65.

46. And if the Iustices of peace shall record a riot, and upon examination of the matter after, it shall appeare to be no riot, or that they saw it not, or that there was no riot at all, yet the parties shall be concluded thereby, and have no remedy by course of common Law; but if it be done of malice or partiality, they shall be punished for it in the Star chamber, and therefore the Iustices shall doe well to be advised what they record. See 9.H. 6. fo. 60. Br. Judges 2.

Dalton pa. 103.

47. And againe, for that this record of the Iustices and Sheriffe is a sufficient conviction in it selfe against the offenders, therefore it ought to be formall and certaine, as well for the time and place as also for the number of weapons, manner, and other circumstances, because the parties be concluded thereby, and shall not bee received to traverse, or deny it in any point.

48. For the forme of the record, *vide tit. Warrants and presidents.*

Dalton pa. 103.

49. The record ought to remaine with one of the said Iustices of peace, and shall not be left amongst the records of the Sessions of the peace, it being made out of the Sessions and not appointed to be certified thither.

Dalton pa. 103.

50. Also the said Iustices of peace (and none other Iustices of peace) shall commit such offenders to the gaole, there to remaine convict by their view, testimony and record (as in case of forceible Entrie) untill they have paid a fyne to the King.

Co. 3. 120.

51. Also such commitment of the offenders to the gaole ought to be done presently.

Dalton pa. 103.

52. And the power of the County ought to bee ayding to the Sheriffe and undersheriffe for the convaying of them to the gaole, if there be occasion.

Crompt. 61.

Force 2.

P. 15. 1.

13.H.4.c.2.7.

53. If the Iustices of peace, and Sheriffe or undersheriffe shall record the riot, and shall not presently commit the riotters to prison, or if they shall commit them to prison, and shall not record the riot, they shall forfeite every of them 100.l. by the statute 13.H.4. for that they have not done execution of the same stat. for by the statute they shall record fine and commit the offenders, or else the statute is not fully executed.

54. Also the said Iustices of peace, and none other, shall asseesse the

the fines upon the offenders, for they have best knowledge of the matter, &c. Co. 8. 4. 1. 4. which fines by the statute 2. H. 5. 8. ought to be of good value that out thereof the charges of the said Iustices and other officers may be borne, *sc.* their charges in going, tarrying, and returning, &c. about the suppressing and inquiry of such riots, of which charges payment shall be made by the Sheriffe, by Indenture thereof made betweene him and the said Iustices. Crompt. 161.
2. H. 5. ca. 8.
Dalton pa. 104.

55. And yet such fines must be reasonable and just and *secundum quantitatem & qualitatem delicti*, and not unreasonable or excessive, (for *excessus in re qualibet jure reprobatur communi*, Co. 11. 44. and so it is commanded by the statutes 18. E. 3. 2. & 34. Edw. 3. 1. P. Iust. 1. & 18.

56. Note also that the fine assessed in this and such like cases must not be imposed upon all the offenders jointly, but must be assessed upon every offender severally. Co. 11. 43. 44.

57. And the said Iustices shall cause the said fines to be estreated into the Exchequer, that so the said fines may be levied to the Kings use, and then they are to deliver the offenders againe, as it seemeth, or else the said Iustices may record such riot by them viewed, and commit the offenders, and after certifie the record to the Assizes or Sessions, or into the Kings Bench, as in case of a forcible Entry. Dalton 104.

58. But if the riot was not committed in the presence of the Iustices of peace, or that the offenders be departed before the coming of the said Iustices and Sheriffe or undersheriffe, then the said Iustices, or two of them at the least, within one moneth after such riot, assembly, or rout, shall inquire thereof, by the oathes of a sufficient Jury (to be returned by the Sheriffe, and the same riot, &c. being found by such Inquisition, the said Iustices must make a record in writing of such their inquiry, and presentment found before them, which record also is to remaine with one of the said Iustices. P. R. 29. 13. H. 4. 7.
Enquiry.

59. The forme of such enquiry or presentment you may see in the title of warrants and presidents.

60. This enquiry shall not be, but where the rioters are gone before the coming of the Iustices. Crompt. 62.

61. It is not necessary that one of the Iustices of peace which shall make enquiry of a riot, be of the *Quorum*. Dalton pa. 104.

62. Although the words of the statute are, the same Iustices, *scil.* which came to see the riot, shall enquire, yet if any other two Iustices of peace of that County shall doe it, that will suffice. Dalton pa. 104.

63. Also the Iustices of peace although they goe not to see the riot, yet they may enquire thereof within the moneth after. Ibid.

64. Neither is it of such necessity to have the enquiry within the moneth, that for default thereof the presentment shall be voide, for the Iustice of peace may enquire thereof at any time by force of their Commission, but if it be not within the moneth then the two next Iustices are in danger to loose each of them 100. l. for their neglect, and yet if these Iustices doe charge the Jury within the moneth, and Dalton pa. 105.

doe give day unto them for to yeild their verdict and presentment after the moneth, the statute is not offended.

Ibid.

65. At this enquiry the Sheriffe or undersheriffe ought to be present with the Iustices of peace, but the Sheriffe or undersheriffe be now as ministers (only for the returning of the Iury) for the enquiry, and be not herein associated with the Iustices as they were before in arresting the rioters, and recording their disorder, and therefore they are now to be spared from being Iudges therein, howbeit by this their presence they may helpe to espy the evill, and besides, it addeth force and credit to the certificate.

Crompt. 62.
P. R. 19.

66. If the Iustices doe assemble themselves, the Sheriffe and the Iury, to make enquiry of a riot within the moneth and the parties been agreed amongst themselves, so as none will sollicite the inquiry, nor give in Evidence for the King upon the riot, yet ought the Iustices to proceed (*ex officio*) to make inquiry of that riot, seeing it may be that some of the Iury may have knowledge of the riot.

P. R. 19.
Crompt. 62.

67. And also the Iustices ought to make Proclamation, that if any man will give Evidence for the King concerning that riot, or (generally) will informe the Kings Iustices of any Riots, Routes, &c. and thereupon some other persons may perhaps come forth to informe them therein.

Dalton 105.

68. But if at the parties request, the Iustices shall dismisse the Iury without inquiry, they are fineable in the Starchamber to the King for the same.

Ibid.

69. And if the Iustices shall not proceede herein (*ex officio*) without some will give in Evidence for the King, they shall be in danger to lose 100. l. a peece upon this statute, for the reasons abovesaid.

13. H. 4. 7.

P. 1.

Hearc and
determine.

Dalton 105.

Br. Imprif. 100.

70. And it seemeth that the Iustices may justly binde to their good behaviour the parties that first complained to them of this riot, and have caused them to meet, and now will not prosecute the same for the King, but have agreed it.

71. After such enquire made, and riot found, the said Iustices have authoritie, by the said statute to heare and determine the same according to the law, *viz.* they may make out proces against the offenders under their owne *test.* (thereby to cause the offenders to come in and answer) and may aslesse their fynes, and may commit them to prison till they have paid the same, and may deliver them after payment of the said fyne, or upon sureties taken for it (which sureties ought to be bound by recognisance) or otherwise they may receive their traverse, and thereupon (if the matter will so serve) to discharge and dismisse them, but then the said Iustices shall doe well to send such indictment or inquisition found (and such traverse) to the next Quarter Sessions, or into the Kings Bench, and there the traverse shall be tryed and determined according to Law, P. R. 30.

72. But when men are indicted of Riots, or the like they will usually yeild themselves, and pray to be admitted to their fine, in which case

case the Iustices of peace, commonly doe asseſſe but ſome ſmall fyne, and upon the payment thereof doe diſcharge the offender, and hereby the offenders are not imprifoned, which would worke more feare in ſuch offenders then ſuch fyne, and therefore it is behoovefull for the Iuſtices of peace to uſe good care and diſcretion herein, for by the ſtatute the offenders are aſwell to be imprifoned as fyned, and it ſeemeth much more ſerviceable and more agreeing with the intent of the Law, beſides this fine called by diuerſe old ſtatutes ranſome, (or *redemptio*) in Latine ſeemeth by the propriety of the word to imply that the offender ought firſt to be imprifoned and then to be ranſomed and delivered in conſideration of this fyne, or otherwiſe the ſtatute is not fully executed in all points as it ought to be.

Mar. ca.
1.2.3.4.

Dalton p. 1058

73. And theſe fynes the Iuſtices of peace are now willed by the ſtatute 2.H.5.ca.8. to put in greater ſummes then they were wont to be put in ſuch caſes, for the bearing of the charges of the Iuſtices and other officers, &c.

Ibid,

74. At the common Law a Riot was puniſhable as a Treſpaſſe, and aſwell the fyne as the imprifonment were at the diſcretion of the Judges, and in the ſame manner the ſtatute of 13.H.4. enableth the Iuſtices of peace to puniſh ſuch offenders, but now aſwell the imprifonment as the fine of ſuch offenders are to be encreaſed by the ſaid ſtatute 2.H.5.

75. And therefore where the Iuſtices of peace are remiſſe herein, ſcil. in not ſufficiently puniſhing ſuch offenders by due fyne and imprifonment, the Lords in the Star Chamber, may, and doe often aſſeſſe upon Riotters, for the ſame Riot, (for which the Iuſtices of peace have formerly aſſeſſed a fine in the Countrey) a greater penalty, if they ſee cauſe, and yet in this caſe the offenders be not twice puniſhed for one offence, but part of the due puniſhment is inflicted at one time, and part at another.

Crompt. 63.
P. R. 24.

76. Laſtly, if the truth, or Riot cannot be found by the Iuſtice of peace upon ſuch enquiry (being hindred by the perverſeneſſe of the Iurors, or by the unlawfull maintenance, or imbracery of others) then within one moneth next after the enquiry the ſame Iuſtices and Sheriffe or underſheriffe ſhall certiſie before the King and his Councell, ſcil. into the Star Chamber, or to the body and board of the privy Councell, or into the Kings Bench the whole fact and circumſtances thereof, with the certainty of the names of the principall offenders, and alſo the names of ſuch maintainers and embracers, with their miſdemeanors, and of the time, place, and other circumſtances, and impediments, yet the not certiſying of the maintenance or embracery is but forfeiture of twenty pound a peece to every of the Iuſtices and Sheriffe the not certiſying the reſt, is a forfeiture of 100. l.

Certificate.
13. H. 4. 7.
19. H. 7. 13.
P. 3. 15.

Dalton p. 107.

P. 15.

P. 19.

Crompt. 63. b. & 199. b.

77. The end of this certificate is but onely to put and force the offenders to anſwer thereto, before the King and his Councell, and though the words of the ſtatute doe make this certificate to bee of the Kings Bench and there be the tryed.

But ſuch tra-
verſe and certi-
ficate ſhall be
ſent into the
Kings Bench
and there be
the tryed. P. 19.

the force of a presentment of twelve men against the offenders, yet such certificate is no Conviction, but that the offenders may traverse it by the words of the same statute: and so this certificate is only of the nature of a declaration or indictment at the common law, and therefore it ought to comprehend the certainty of the time, place, persons and other materiall circumstances.

Dalton p. 107. 78. If this certificate be not made within one moneth after the enquire, then it is not according to the statute, and so not good to force the offenders to answer.

Ibid. 79. If two Iustices of peace and the Sheriffe shall goe to see a Riot, yet any two other Iustices of the County, may make the enquiry, and then they altogether, or the first two, or the last two with the Sheriffe or undersheriffe may make certificate thereof within the moneth after that inquisition taken.

Crompt. 63. 80. Where there be severall certificates made, or that the certificate and enquiry doe disagree, then that shall be proffered which is best for the King.

Dalton 107. 81. If there shall be twenty parties to a Riot, and the Iury shall finde but ten of them guilty, yet the Iustices may certifie that twenty committed the Riot, and this certificate of the Iustices shall stand good.

Dalton 107. 82. Also it seemeth, if any thing materiall happen to be omitted or left out in the inquisition, yet it may be supplied by this certificate, and it shall stand good.

Ibid. 83. If after the inquiry and before the certificate, the Sheriffe shall dye, or one of the Iustices be put out of the Commission, no certificate can be made by the opinion of Master Marrow.

84. For the forme of such certificate see the Title of warrants and presidents.

2. H. 5. c. 6.
P. 6.
Commission. 85. Upon the default of the two next Iustices, and Sheriffe or undersheriffe, for not executing the said statute of 13. H. 4. c. 7. the party grieved may have a Commission to inquire, as well of the Riot, as of the defaults of the said Iustices and Sheriffe.

2. H. 5. c. 6.
P. 6. 86. Also the Lord Chancellor of Ireland (if he shall have notice of such a Riot) shall send the Kings writ to the Iustices and Sheriffe, commanding them to execute the said statute of 13. H. 4.

87. And although that such writ come not to the said Iustices, Sheriffe, or undersheriffe, yet they shall not be excused of the penalty of 100. l. aforesaid, if they make not execution of the said statute.

2. H. 5. c. 9.
2. H. 6. c. 14.
Rast. 374. 88. Also if any assemblies of people in great number in manner of insurrection, or other rebellious Riots, shall be done or committed, and that such offenders shall withdraw themselves, to the intent to avoide the execution of the Law, thereupon certificate by two Iustices of peace, and the Sheriffe of that County by letters under their seales, to the Lord Chancellor of England of the same Riot, and that the common voice and fame thereof runneth in the said

County,

County, the Lord Chancellor may make a *Capias* to the said Sheriffe for the apprehending of such offenders, and after, if need be, a writ of Proclamation that the said offenders yeild themselves in the Kings Bench at a certaine day upon paine to be convicted thereof.

89. The statute of 13.H.4. authorising and enjoining the Iustices of peace (together with the Sheriffe) to arrest, remove, and punish the offenders, as is before declared, gave no remedie to the partie grieved, if the Iustices of peace or Sheriffe should make default therein, and therefore the said statute of 2.H.5. was made authorising the Lord Chancellor at the instance of the partie grieved to grant a Commission to inquire of the defaults of the two next Iustices of peace and Sheriffe in not executing the aforesaid statute of 13.H.4. and withall providing how the charges of the Iust. spent about the suppressing and inquirie of such Riots should be borne, and also limiting what punishment aswell the offenders of such riots, as also all such as should not be ready to assist and aide the said Iustices to repress such Riotters, should suffer.

13.H.4.ca.7.

90. So as now it appeareth by that which hath been said that the Iustices of peace are to be severely punished if they shall be remisse or negligent in the due execution of the said statute of 13.H.4. and therefore it will be requisite in this place to set forth for the instruction of the Iustices of peace these particulars following, *videlicet*;

1. First, what shall be said to be a Riot, Rout or unlawfull assembly and what not.
2. What persons may commit a Riot, Rout or unlawfull assembly.

What shall be said to be a Riot, Rout or unlawfull assembly within the meaning of these statutes.

CHAP. 51.

1. **V**Hen three persons or more shall come or assemble themselves together, to the intent to doe any unlawfull Act with force or violence against the person of another, his possessions, or goods, as to kill, beate, or otherwise to hurt or to imprison a man, to pull downe a house, wall, pale, hedge or ditch wrongfully, to enter upon another mans possession, or to cut or take away Corne, grasse, wood, or other goods wrongfully, to hunt unlawfully in any parke, or warren, or to doe any other unlawfull act with force or violence against the peace, or to the manifest terror of the people, if they onely meet to such a purpose or intent (although they shall after depart of their owne accord, without doing any thing) yet this is an unlawfull assembly.

Br. Riot 5.
Crompt. 68.
P.R. 25.Br. Riots 4.
Unlawfull
Assembly,

Rout.

2. If after their first meeting they shall ride, goe, or move forward

Dalton 209.

ward toward the execution of any such Act (whether they put their intended purpose in execution or not) this is a Rout.

Riot.

Ibid.

3. And if they doe execute any such thing indeed, then it is a riot; and yet by the opinion of some a Rout is only, where such a company (of three or more) are so assembled for their owne common quarrell, as where the Inhabitants of a Towne doe assemble together to pull downe a house, wall, pale, ditch or other inclosure, pretending to have title of common, or a way there, or to beat a man that hath done them some publick offence, but yet the word Rout, seemeth to have a more large and ample meaning, as appeareth by the statute of 18. Ed. 3. st. 1. speaking of Routs that are brought in the presence of the Iustices, and the statute of 7. R. 2. c. 6. treating of riding in great Routs.

4. Now in Riots, Routs or unlawfull assemblies, these foure circumstances are to be considered:

1. First, the number of the persons assembled.
2. Secondly, the intent or purpose of their meeting.
3. Thirdly, the lawfulness or unlawfulness of the Act.
4. Fourthly, the manner and circumstances of the Act.

The number.

5. For the number, there must be necessarily three persons at the least so gathered together, or else it can be no Riot, Rout or unlawfull assembly within the meaning of these statutes.

6. But an assembly of an hundred persons or more (yea though they be in armour) yet if it be not *in terrorem populi*, and were assembled without any intent to breake the peace, it is not prohibited by any of these statutes.

Crompt. 66.

P. R. 21.

The intent.

Crompt. 71.

Dalton 127.

7. For it seemeth it can be no Riot, &c. except there be an intent precedent to doe some unlawfull Act, and with violence or force.

8. And therefore if diverse be assembled, and none of them doe know to what end or purpose they are met, this can make no riot, or Rout, till the intent be knowne.

Ibid.

9. If the master (intending to make a Riot) taketh with him his ordinary servants, and maketh an affray or other outrage with them, this is no Riot in the servants, except their master had made them privie to his intent before, but the master only shall be punished for the riot, and the servants as trespassers.

10. And in this former case, it is not materiall, though the number of his servants which goe with him be above his degree, so long as they be his household servants. P. R. 25.

Crompt. 66.

11. If diverse, being lawfully assembled, shall quarrell or fall out upon the sudden without any such former intent, this is no riot, but a sudden Affray.

Dalton ps. 208.

12. If divers bee at an Alehouse, and without any intention of an Affray, they suddenly fall together by the Eares, this is no riot but a sudden affray, because they had no such intention before.

13. If

13. If a Jury being together shall fall out and fight, this is no riot, because they were lawfully assembled, but it is a great misdemeanor, for which they shall be fyned and imprisoned.

14. Also where there be three or more gathered together, either to execute the Iustice of the Law, or for the exercise of valour and triall of activity, or for the increase of amitie and neighbourly friendship (and being met without any intent to breake or disturbe the peace or to offer violence or hurt to the person of any) such assemblies be not prohibited by any statute, nor unlawfull, as if the Sheriffe, under sheriffe, bailiffe or other officer shall take power what number he shall thinke good to execute the Kings processe, this is no unlawfull assembly.

15. So it is a lawfull assembly which is gathered together to run at Tilt, &c. by the Kings commandement.

16. So the assembly of people, and their use of harnesse upon usuall dayes in Dublin, and other Citties and Townes being onely for disport or exercise of Armes is lawfull, and though it be with a great assembly of people, and in armour, yet it being neither *in terram populi*, nor to doe any act with force or violence against the peace, it is lawfull.

17. Also, if divers doe assemble and gather together, to drinke at an Alehouse, or to play at foot-ball, bucklers, beare or bullbaitings, dancings, Bowles, Cards or Dice, or such like disports, that is no Riot, nor prohibited, for these meetings usually are not with any intent to offer or doe violence or hurt to the person, possessions, or goods of any other, neither are they *malum in se*, but if these be done upon the Sabbath day they are misdemeanors, and sufficient cause to bind the offenders to the good behaviour, and so it is of keeping faires and markets upon the Sabbath day.

18. But if any of the persons assembled together for any the disports above mentioned (or for the like) came with an intent or purpose to breake or disturbe the peace, or to offer violence or hurt to the person of any, and shall make an affray, or doe any other outrage, this seemeth to be a riot in so many as came with any such unlawfull intent or purpose.

19. And if any of the persons assembled together to drinke or play at an Alehouse, or for any the disports above mentioned, or the like, shall fall out suddenly, (without any former intention of an affray) and in that their falling out they shall betake themselves to sundry parts, and shall make an affray, this seemeth to be no Riot; for that it was without any such intent before their said assembly, and done only upon the sudden, and upon a sudden occasion happening after their said meeting; and againe their said assembly was at the first lawfull, or at least not prohibited by any of these statutes, nor yet by the common Law.

20. But otherwise, if by agreement they shall meet againe and fight

Ibid.

fight afterwards, that maketh it a Riot, as being a new assembly upon the former quarrell, and so their second meeting was upon an intent precedent to doe an evill Act.

Lawfulness of the Act.

21. Now concerning the lawfulness or unlawfulness of the Act, it is to be observed that lawfulness or unlawfulness of the thing done or intended, doth not alwayes excuse or accuse the parties to a Riot, &c. but so that the manner and circumstances of the fact, must also be considered.

Br. Riots 1.

22. For every man may assemble company to aide him in his house, against injury or violence, but if a man be threatned, that if he come to such a place, he shall be beaten, in this case, if he shall assemble any company to goe thither with him (though it be to the safeguard of his person) it seemeth to be within the compasse of these statutes and unlawfull. *Br. Riots 1.*

Cromp. 66.

23. Every man in peaceable manner, may assemble meete company (and may come) to doe any lawfull thing, or to remove or cast downe any common nufance done to them.

Co. 3. 101. & 955.

24. Every private man, to whose house or land any nufans shall be erected, made or done, may in peaceable manner assemble a meete company with necessary tooles, and may remove, pull, or cast down, such nufans, (and that before any prejudice received thereby) and for that purpose if need be, may also enter into the other mans ground.

36 Eliz. Cromp. 66.

25. A man erects a weare crosse a common Ryver (where people have a common passage with their boats) and diverse did assemble with spades, Crowes of Iron, and other things necessary to remove the said Weare, and made a Trench in his land that did erect the weare, to turne the water, so as they might the better take up the said weare, and they did remove the said nufans, this was holden neither any forceible Entry nor yet any Riot.

Dalton 203.

26. But in the cases aforesaid, if in removing any such nufans, &c. the persons so assembled shall use any threatening words (as to say, they will doe it in despite of the other, or they will doe it though they dye for it, or such like words) or shall use any other behaviour, in apparant disturbance of the peace, then it seemeth to be a Riot, and therefore where there is cause to remove any such nufans (or to doe any like Act) it is the safest not to assemble any multitude of people, but only to send one or two persons, or (if a greater number) yet no more then are needfull, and only with meete tooles, to remove, cast, or pull downe the same, and that such persons tend their business only without disturbance of the peace, for the manner of doing a lawfull thing may make it unlawfull.

Ibid.

27. Also the manner of doing an unlawfull Act, by an assembly of people may be such and so handled, as that it shall not be punished as a Riot, as if I should assemble a meete company to carry away a peece of Timber, or other thing (whereto I pretend a right) that cannot be carried

carried without a great number, if the number be not more then are needfull for such purpose, although another man have better right to the thing so carried away, and that this Act be a wrong and unlawfull, yet is it of it selfe no Riot, except there be withall threatening words used, or other disturbance of the peace.

28. As there must necessarily be three persons at the least assembled together to make a Riot, &c. so they being together and their demeanor must be such, as shall or may breed some apparant disturbance of the peace, either by threatening speeches, turbulent gesture, shew of armour or actuall force or violence, to the terror of the peaceable sort of people, or to the emboldening and stirring up of such as are busie headed, and of evill disposition, by such fact, or else it can be no Riot, &c. for, as I said before, the manner of doing a lawfull thing may make it unlawfull. *Et sic è converso.*

The manner.

Dalton 204.

29. And therefore if diverse in one company going to the church, faire, or market, shall goe armed, or one going to the Sessions, or other like assembly shall goe in harnesse (to the terror of the people) though he or they have no intent to fight or to commit any Riot, yet this is a Rout by the manner of his or their going, being needlesse, disordered and against the Law, see the statute. 2. Ed. 3. ca. 3.

Ibid.

30. But in the former cases if they had gone in privie Coats of plate, shirts of maile or the like, to the intent to defend themselves from some adversarie, this seemeth not punishable within these statutes; for that there is nothing openly done, *in terrorem populi.*

Crompt. 64.

31. One N. W. together with fourescore persons, came with spades, mattocks, pistols, swords, and daggers, in the night to a peece of ground (where Sir Thomas St. had made a great weare crosse over the river of Trent in the County of Northing. to the great nusans of passengers there, &c.) and there they made one or two litle Trenches to let the water passe, &c. and though it were lawfull to make the Trenches, and to debruse the nusans, yet for that they came with such number and weapons, they were deeply fyned in the Star-chamber.

31. El.

Crompt. 64.

32. Also a Lord of a Coppithold, did enter with twenty persons, and cut his Coppiholders corne with force, for that his Coppiholder would not compound with him for his fyne, and although the entry of the Lord was holden lawfull, yet punishable as a Riot, in regard of his number and force.

31 and 32.

El. Crompt. 64.

Dalton 204.

33. In all cases where three, or more shall enter into lands, &c. with force (upon the possession of another) where their entry is lawfull, yet it is a Riot, by reason of the number and force, for the statute of 5. R. 2. prohibiteth the entry with force, or with multitude of people, although the entry be (otherwise) lawfull.

Crompt. 64.

Dalton 205.

What persons may commit a Riot. CHAP. 52.

1. IF a number of women, (or children under the age of discretion) doe flocke together for their owne cause, this is no assemblie punishable by these statutes, unlesse a man of discretion moved them to assemble for the doing of some unlawfull Act as Master *Marrow* held, but yet certaine women that had apparelled themselves in mens apparell, and had pulled downe riotously a lawfull inclosure, were worthily punished for the same in the Star Chamber contrary to Master *Marrowes* opinion.

Crompt. 52.

Dalton 105.

Co. 2. 72. B.
11. 161.

2. Also women covert are holden to be within the statute of *Mert. ca. 6.* for ravishment of wards, and within the statute of *Westm. 1. ca. 20. de malefactoribus in parciis*, and within the statute of *2. Eliz. ca. 2.* for recusancy, although they be not particularly named within any of this statute.

Co. lib. 5. bre.
670. 4. E. 4. 16.

Co. 11. 61. b.

32. Aff. 37.
43. E. 1. 18.

3. Also if a woman covert shall commit any riot, or doe any Trespasse or other wrong she is punishable for it, and for a trespasse done by the wife, or for a scandall published by her, the action lieth both against the husband and wife, *sc.* an action of trespasse, or of the case, shall be brought against the husband and the wife, and there the husband is chargeable to the damages, or fyne, because he is a partie to the action and Iudgement, but if a woman covert without her husband be indicted of a Trespasse, riot, or other wrong, there the wife shall answer, and be party to the Iudgement only, and in such case the fyne set upon the wife shall not be levied upon the husband, yet after the husbands death it seemeth such damages or fyne shall then be levied upon the wife her selfe, and as for imprisonment, or other corporall paine, it shall be inflicted upon the wife only, and not upon the husband for his wives Act or default.

Dalton 105.

4. If a Mayor and Alderman or Bailiffe and Burgeses, or the fellows of any other society doe assemble in their common quarrell, and make a riot or rout, this shall be punished in their owne private naturall persons, and not in the body politique.

Recognisance. CHAP. 53.

1. A Recognisance is a bond of record, testifying the Recognisor to owe a certaine summe of money to some other, and the acknowledging of the same is to remaine of record, and none can take it but only a Iudge or Officer of record.

2. And these recog. in some cases the Ju. of peace are enabled to take by the expresse words of certaine statutes, but in other cases (as for the peace, and good behaviour, or the like,) they may doe it of con-

congruity, without any expresse authority given them either by their Commission, or by statute.

3. Note wheresoever any statute giveth them power to take a bond of any man, or to binde over any man, or to take sureties for any matter or cause, it seemeth they may take a Recog. yea where-^{Crompt. 197.} soever they have authority given them to cause a man to doe any thing, there it seemeth they have of congruity power given them to binde the partie by recog. to performe or doe it, and if the partie ^{See Fitz. 82.} shall refuse so to be bound, that then the Iudge may send him to the Gaole. ^{Dalton 198.}

4. I will here set downe only some particulars, where the Iustices of peace out of their Sessions may take a recognisance. ^{Ibid.}

5. One Iustice of peace may take a recognisance for the peace.

6. Also the Iustice of peace may take a recognisance for the good behaviour (by the Commission) and these the Iustice of peace may take either upon discretion or upon complaint made to him, or upon a *supplicavit* delivered to him. ^{Ibid.}

7. One Iustice of peace may binde by recognisance such as doe declare any thing against a felon or Traitor to appeare at the Assizes or Sessions, there to give Evidence against the offender, and so in diverse other offences. ^{Ibid.}

8. One Iustice of peace may binde by recognisance the master that shall misuse his apprentice, &c. to appeare at the Sessions, &c. ^{Ibid.}

9. Two Iustices, &c. may baile prisoners, which must be done by recognisance, see here *tit. Bailement*.

10. Also two Iustices of peace may binde by recognisance the defendant in a suit of Tithes, to obey the sentence of the Iudge, see *postea tit. Tithes*.

11. A Iustice of peace can take no Recognisance, but onely for such matters as concerne his office, see hereof *postea tit. Surety for the Peace*.

12. Note also, that a recognisance taken by a Iustice is a matter of record presently, so soone as it is taken and acknowledged, although it be not made up, but only entred into his booke, nay although it be not entred, as it seemeth. *See Stamf. 77. &c. Br. record. 58.*

13. If a Iustice of peace shall take a recognisance, where he hath no authoritie, it is voide.

14. And these recognisances taken by the Iustices of peace are to be certified by them at their next quarter Sessions, except recog. taken for such as shall informe against felons or Traitors, and upon bailement of felons, which by statute they are appointed to certify at their next generall gaole deliverie.

15. For the Formes of recognisances, see hereafter *tit. Warrants and Presidents*.

Robberie. CHAP. 54.

One Iustice.
11. Caroli. c. 13.
in Ireland.
P. Huy and Cry.
8. 10.
Co. 77.

1. **A**fter a Robberie committed, the party robbed shall not have his action upon the statute against the hundred, except hee shall with all speed convenient, give notice of the said robbery to some of the inhabitants neare to the place where such robbery was committed, and also except he shall commence his suit or action within one yeare next after such Robbery committed, and also except hee shall first bee examined upon oath (within twenty dayes next before such action brought) by some one Iustice of peace of the County where the Robberie was committed, dwelling within or neare to the said hundred, where the robbery was done, whether hee doth know the parties that committed the said robbery, or any of them, and if he knoweth any of them, then also (before such action brought) he shall be bound before the same Iust. by sufficient recognisance to prosecute effectually the said offenders by indictment, or otherwise according to the due course of law.

11. Caroli. c. 13.
in Ireland.
P. Huy and Cry.
45.

2. After a robbery committed, the whole hundred must answer the losse, if the Robbers be not taken within Forty dayes, and yet for that the party robbed hath his recovery and execution against some one or few persons of that hundred, therefore for a contribution to be yeelded from the residue of the said hundred upon complaint made by the parties against whom such recovery and execution is had, any two Iust. of peace, the one being of the *Quorum*, being of the same County, and inhabiting in or neare the same hundred where such execution shall be had, may asseffe and taxe according to their discretions proportionably all and every the Townes and Parishes, &c. as well of the same hundred where the robbery was committed, as also of the liberties within the said hundred towards an equall contribution to be had for the reliefe of the parties charged, the which money the Constables of every Towne shall levy and deliver over to the same Iustices, or to one of them within Ten dayes after collection, and which the said Iustices shall deliver over (upon request) to the parties charged, to whose use the same was collected.

11. Caroli. c. 13.
in Ireland.
P. Huy and Cry.
4.

3. The like taxation, asseffment, levying and payment shall be had and made for a contribution within every hundred, where there was any negligence, fault, or defect of pursuit, and fresh suit after huy and cry, *viz.* if upon suit any recoverie and execution of any money or any damages shall be had against some one or few persons of that hundred where such default was, towards the ease of the hundred where the Robberie was done, upon complaint made by the parties so charged, to any two such Iustices of peace, the said Iustices may make the like asseffment, &c. towards the reliefe of the parties so charged.

Co. 7. 66

4. Note that if any man be robbed in his house the hundred shall not

not be charged therewith, whether it were done in the night or in the day.

5. Also a robberie done in the night shall not charge the hundred, but yet if it be in the day time, or by day light, though it be afore Sun rising or after the Sun setting the hundred shall answer for it. co. ibid.

6. If upon pursuite any one of the offenders be apprehended, the hundred shall not be charged, although the residue of the offenders happen to escape, but pursuite, without apprehending some of the Robbers, is no excuse. 11. Carol. c. 13. in Ireland.

7. If the party that was robbed shall himselfe take any of the theeves, after Huy and Cry made, this shall excuse the hundred. Crompt. 179.

8. It is said by my Lord Dyer, *obit in anno 22. El.* that the statute is satisfied, if the names of the offenders be discryed, so that they may be indicted and outlawed, but that seemeth to be no Law, for the words of the statutes of 13. *Ed. 1.* and 28. *Ed. 3.* are that the Countrey must answer for the bodies of such offenders, *Winch. 13. E. 1. ca. 2. & 28. Ed. 3. ca. 11.* Dyer. 370.
P. R. 155.
Dalton 117.

9. Note the party robbed must bring his Action within twenty dayes next after his examination taken before the Iustice of peace. Ibid.

10. Also the Iustice of peace must be abiding within the County at the time of such examination taken by him, as it seemeth. Ibid.

11. If a man be robbed in one County, and maketh Huy and Cry freshly into another County, if the Townes adjoyning doe not according to the statute of *Winchester*, the party robbed may have his Action of debt in the one County or in the other by *Vincham 15. Ed. 4. Br. Dett. 104.* 18. E. 4. 19.

12. Highwayes, leading from one market Towne to another, shall be enlarged; so that there be neither dike, underwood, nor bush, whereby a man may lye to doe hurt, within 200. foot of the one side, and of the other, and if by default of the Lord that will not amend the wayes, as aforesaid, any Robberies be done therein, the Lord shall be answerable for the Robbery, and if a parke be neere the high way, the Lord must set his parke 200. foot of each side from the way, as aforesaid, or else must make such a wall, dike, hedge or pale, that such offenders may not passe to and fro, there to doe evill, *Winch. 13. Ed. 1. cap. 5.*

Rogues, Vagabonds, and Beggars. CHAP. 55.

1. Diverse good Lawes and statutes have beene made which yet are of force in Ireland for the punishing and ordering of Rogues, Vagabonds, and Beggars, the substance whereof I have here expressed, *viz. In anno 23. E. 3. ca. 3.* It is ordained, that because many valiant Beggars, as long as they may live of begging, doe refuse to labour, 23. E. 3. ca. 3.

Beggars.

labour, giving themselves to Idleness and vice, and sometime to theft and other abominations; none upon the paine of imprisonment shall under the colour of piety or almes give any thing to such which may labour, or presume to favour them towards their desires, so that thereby they may be compelled to labour for their necessary living.

34.E.3.ca.1.

Iustices of
peace.Pillours,
Robbers.

2. Also by a statute made *anno 34.E.3.* It is ordeined, first that in every County shall be assigned for the keeping of the peace, one Lord, and with him 3. or 4. of the most valiant men in the County, with some learned in the Lawes, and they shall have power to restrain the offenders, riotters, and all other barretors, and to pursue, arrest, take, and chastise them according to their trespassse and offence, and doe to be imprisoned and duely punished according to the Law and customes of the Realme, and according to that, that to them shall seeme best to doe by their discretions and good avisement, and also to enforme them, and to enquire of all those that have beene pillours and robbers of the parties beyond the Sea, and be now come againe and goe wandring and will not labour as they were wont in times past, and to take and arrest all those, that they may finde by enditement or by suspicion, and to put them in prison, and to take of all them that be not of good fame, where they shall be found, sufficient surety and mainprise of their good behaviour towards the King and his people, and the other duely to punish, to the intent that the people be not by such riotours, or rebels troubled or endamaged, nor the peace blemished, nor merchants nor other passing by the high wayes of the Realme disturbed, nor put in the perill which may happen of such offenders.

7.R.2.ca.5.
Roberdesmen.
Draw-latches.
Vagabonds.
Faitours.

3. Also by a statute made *in anno 7.R.2.* it is ordeined that the statutes made in the time of King *Edw. 3.* of Roberdesmen and draw-latches, be firmly holden and kept, and moreover it is ordeined and assented to refraine the malice of diverse people, faitours and wandring from place to place, running in the Countrey more abundantly then they were wont in times past, that from henceforth the Iustices of Assises in their Sessions, the Iustices of peace and Sheriffes in every County shall have power to enquire of all such Vagabonds and faitours of their offence, and upon them to doe that the Law demandeth, and that aswell the Iustices and Sheriffes, as the Maiors, Bailiffes, Constables, and other governours of Townes and places where such faitours and Vagabonds shall come, shall from henceforth have power to examine them diligently and to compell them to finde surety for their good bearing by sufficient mainpernors of such as be distraineable, if any default be found in such faitours and Vagabonds, and if they cannot finde such surety they shall be sent to the next gaole, there to abide till the comming of the Iustices assigned for the deliverance of the gaoles, who in such case shall have power to doe upon such faitours & Vagabonds so imprisoned that thereof to them shall seeme best by the Law.

4. Also

4. Also by a statute made *in anno 12. R. 2.* it is ordeined and assented, that of every person that goeth a begging and is able to serve or labour, it shall be done of him as of him that departeth out of the hundred without letter testimoniall (which is to be imprisoned) and that the beggers impotent to serve, shall abide in the Cities and Townes, where they be dwelling at the time of the Proclamation of this statute; and if the people of Cities; or Townes, will not, or may not suffice to finde them, that then the said beggers shall draw them to other Townes within the hundreds, rape, or weapontake, or to the Townes where they were borne, within forty dayes after Proclamation made, and there shall abide continually during their lives, and that of all them that goe in pilgrimage as beggars, and be able to travell, it shall be done as of servants and labourers (which is to be committed to prison) and that Schollers of the universities that goe so begging, have letters testimoniall, of their Chancellor upon the said paines:

12. R. 2. ca. 7.

Pilgrimage.

Schollers.

5. Also by another statute made *in anno 12. R. 2.* it is ordeined that they that feine themselves to have travelled out of the Realme, and there beene imprisoned, shall bring letters testimoniall, of the capitaines where they were abiding or of the Maiors, or Bailiffes, where they arrived, and the same Maiors and Bailiffes shall enquire of such people, where and with whom they dwelled, and in what place their dwelling is, and that the same Maiors and Bailiffes, make them letters patents under the seale of their office testifying the day of their arrivall, and also witnessing where they have beene, as they have sayed, and that the said Maiors and Bailiffes, cause them to sweare that they should hold their right way towards their Countrey, except that they have letters patents under the Kings great seale to doe otherwise, and if any such travelled man be found without such letter as afore is said, it shall be done of him as of the said servants and labourers, and also this ordinance shall be intended of men travailed that goe begging through the Countrey, after their arrivall.

12. R. 2. ca. 8.
Letters testi-
moniall,
Maiors,
Bailiffes.Travailed
men.

6. Also by a statute made in Ireland *in Anno 33. H. 8. ca. 14.* It is ordeined that where in all places throughout this realme of Ireland Vagabonds and beggers have of long time encreased and daily doe encrease in great and excessive numbers, by the occasion of idlenesse, mother and roote of all vices, whereby hath insurged and sprung, and daily insueth and springeth continuall thefts, murders, and sundry other heynous offences, and great enormities, to the high displeasure of God, the inquietation and damage of the Kings people, and to marvellous disturbances of the common wealth of this realme, and whereas many and sundry good lawes, strait statutes and ordinances have beene before this time devised and made, as well by the said King H. 8. as also by divers his most noble progenitors Kings of England for the most necessary and due reformation of the premisses, yet that notwithstanding the said number of Vagabonds and beggars be

33. H. 8. ca. 14.
in Ireland.

be not seene in any part to be minished, but rather daily augmented and increased into great Routs and companies; the Iustices of peace of all and singular the shires within the limits of their Commissions, and all other Iustices of peace, Mayors, Sheriffes, bailiffes, and other officers of all and every Citty, Borrough, Ridings, or Franchises within the realme of Ireland, within the limits of their authoritie shall from time to time as often as need shall require, by their discretions divide themselves within the said shires, Citties, boroughs, ridings or Franchises, whereof they be Iustices of peace, Mayors, sheriffes, bailiffes, or officers, and so being divided, shall make diligent search and enquire of all aged, poore and impotent persons which live; or of necessitie are compelled to live by almes of the charitie of the people that be or shall be hereafter abiding within every hundred, rape, wapentake, Cittie, borough, parish, libertie, or Franchises within the limits of their division, and after and upon such search made, the said Iustices of peace, Mayors, Sheriffes, bailiffes, and other Officers (that is to say) every of them in the limits of their authorities whereunto they are divided shall have power and authoritie by their discretions to enable to begge within such hundred, rape or wapentake, Citty, Towne, parish or other limits as they shall appoint, such of the impotent persons, which they shall finde and thinke most convenient within the limits of their division to live of the charitie and almes of the people, and to give in commandement to every such aged and impotent begger (by them enabled) that none of them shall begge without the limits to them so appointed, and shall also register and write the names of every such impotent begger by them appointed in a bill or roll indented, the one part thereof to remaine with themselves, and the other part by them to be certified before the Iustices of peace at the next Sessions after such search had, to be holden within the said shires, Cities, Townes, or Franchise, there to remaine under the keeping of the *Custos Rotulorum*, and that the said Iustices of peace, Mayors, Sheriffes, bailiffes, and other officers, that is to say, as they be divided shall have power and authoritie to make such and so many seales to be engraved with the names of the hundreds, rapes, wapentakes, Cities, Boroughs, townes, or places within the which they shall appoint and limit every such impotent person to begge, and commit the said seales to the custodie of such of them, or to the custodie of such a one as they shall thinke convenient, and shall make and deliver to every such impotent persons, by them enabled to beg, a letter containing the name of such impotent person, and witnessing that he is authorised to begge, and the limits within which he is appointed to begge, the same letter to be sealed with such of the said seales as shall be engraved with the names of the limit wherein such impotent person shall be appointed to begge in, and to be subscribed with the name of one of the said Iustices or officers aforesaid, and if any such
 impotent

impotent person so authorisied to begge, doe begge in any other place then within such limits that he shall be assigned unto, that then the Iustices of peace, Maiors, Sheriffes, Bailiffes, Constables, and other the Kings officers and ministers shall by their discretions punish all such persons by imprisonment in the stocks, by the space of two dayes and two nights, giving them onely but bread and water, and after that, cause every impotent person to be sworne to returne againe without delay to the hundred, rape, wapentake, City, Burrough, Towne, Parish, or Franchises, where they be authorisied to begge in, and that no such impotent person, as is above said, shall begge within any part of this Realme except he be authorisied by writing under seale as is above said, and if any such impotent person be vagrant and going a begging having no such letter under seale, as is above specified, that then the Constables and all other inhabitants within such Towne, or Parish, where such person shall begge, shall cause every such begger to be taken and brought to the next Iustice of peace or high Constable of the hundred, and thereupon the said Iustice of peace or high Constable, shall command the said Constables, and other inhabitants of the Towne or Parish which shall bring before him any such begger, that they shall strip him naked from the middle upward, and cause him to be whipped within the Towne where he was taken, or within some other Towne where the same Iustice or high Constable shall appoint, if it shall seeme, to the discretion of the said Iustice of peace or high Constable, that it be convenient so to punish such begger to him brought; and if not, then to command such beggar to be set in the Stocks in the same Parish where he was taken, by the space of three dayes and nights, there to have only bread and water, and thereupon the said Iustice, or high Constable, before whom such begger shall be brought, shall limit to him a place to begge in, and give to him a letter under seale in forme above remembred, and sweare him to depart and repaire thither immediately after his punishment to him executed, and that if any person or persons being whole and mighty in body, and able to labour, be taken in begging in any part of this Realme, or if any man or woman being whole and mighty in body and able to labour having no land, master, nor using any lawfull merchandize, craft, or mysterie, whereby he might get his living be vagrant and can give no reckoning how he doth lawfully get his living, that then it shall be lawfull to the Constables, and all other the Kings officers, ministers, and subjects of every Towne, Parish and Hamlet, to arrest the said Vagabonds and idle persons, and them bring to any of the Iustices of peace of the same shire or liberty, or else to the high Constable of the hundred, rape, or wapentake, within which such persons shall be taken, and if he be taken within any City or Towne corporate, then to be brought before the Maior, Sheriffes, or Bailiffes, of every Towne corporate, and that every such Iustice of peace, high Constable,

Maiors, Sheriffes and Bailiffes, by their discretions shall cause every such idle person to him so brought, to be had to the next market Towne or other place where the said Iustices of peace, high Constable, Maiors, Sheriffes, Bailiffes, or other officers, shall thinke most convenient by his or their discretion; and there to be tyed to the end of a Cart naked; and be beaten with whippes throughout the same market Towne or other place till his body be bloudy by reason of such whipping, and after such punishment and whipping had, the person so punished by the discretion of the Iustice of peace, high Constable, Maiors, Sheriffes, Bailiffes, and other officers before whom such person shall be brought, shall be enjoyned by his oath to returne forthwith without delay in the next and straight way to the place, where he was borne, or where he last dwelled before the same punishment by the space of three yeares, and there to put himselfe to labour like as a true man ought to doe, and after that done, every such person so punished and ordered, shall have a letter sealed with the seale of the hundred, rape, wapentake, City, Borough, Towne, liberty, or Franchise, wherein he shall be punished, witnessing that he hath beene punished according to this statute, and containing the day and place of his punishing, and the place whereunto he is limited to come thither, within which time he may lawfully begge by the way, shewing the letter, and otherwise not, and if he doe not accomplish the order to him appointed by the said letter, there to be eftsoones taken and whipped, and so as often as any default shall be found in him contrary to the statute, in every place to be taken and whipped, till he be repaired where he was borne, or where he last dwelled by the space of three yeares; and there put his body to labour for his living, or otherwise truely to get his living without begging as long as he is able so to doe, and if the person so whipped be an idle person, and no common begger, then after such whipping he shall be kept in the Stocks till he have found surety to goe to service, or else to labour, after the discretion of the said Iustices of peace, Maiors, Sheriffes, Bailiffes, high Constables, or other such officers, before whom any such idle person, being no common begger, shall be brought, if by the discretion of the same Iustice of peace, Maior, Sheriffe, Bailiffe, high Constable, or other such head officer it be so thought convenient, and that the party so punished be able to finde surety, or else to be ordered and sworne to repaire to the place where he was borne, or where he last dwelled by the space of three yeares, and to have like letter, and such further punishment, if he eftsoones offend this statute, as is above appointed to and for the common strong and able beggers, and so from time to time, to be ordred and punished till he put his body in labour, or otherwise get his living truely, according to the statute, and that the Iustices of peace of every shire, riding, City, Towne and liberty shall have power and authority within their limits of their Commissions, to enquire of all Maiors, Sheriffes, Bailiffes,

Bailiffes, Constables, and other like officers and persons that shall be negligent in executing of this Act, and if the Constables and inhabitants within any Towne or Parish, where any such impotent person or strong begger doth happen to begge contrary to the forme of this statute, be negligent and take not every such impotent and strong begger, that so shall begge, against the forme of the statute, and order and punish every such begger, as is above limited, that then the Towneship or Parish, where such default shall be, shall lose and forfeite for every such impotent begger that shall be suffered to begge within the said Towneship or Parish, not being taken, ordred and punished according to the forme of this statute three shillings and foure pence; and for every strong begger that shall happen to begge within any such Towneship or Parish, not being taken and ordered as is above limited by this statute six shillings and eight pence, the one halfe of all which forfeitures to be to the King our soveraigne Lord, and the other halfe to him that will sue for the same, by any bill of information before the Kings Iustices of his peace in their Sessions to be holden within the Shire, or within the liberty where such default shall happen, and that all Iustices of peace within any Shire, City, Borough, or liberty, shall have full power and authority aswell to heare and determine every such default by presentment as by such bill of Information, and upon every presentment afore them, and upon every such bill of Information to make processe by distresse against the Inhabitants of every such Towne and Parish where any such default shall be presented or supposed by any such Information, by authority of which distresse the Sheriffe or other officer to whom by the Law such distresse shall be made, shall distreine the goods and Chattels of such one or two of the said Inhabitants, as he may have knowledge, were most negligent and in default in the execution of this Act, and the said distresse retaine till they finde surety to appeare at the next Sessions limited in their said distresse, and in case they appeare and confesse the default, or else if they traverse the presentment, and it be tryed against them by verdict, or deny the Information, and it be proved against them by sufficient witnesse, then the said Iustices of peace in their Sessions, shall have power and authority to asseesse the fines as beene above limited, after the rates abovesaid, and to make processe for the levying of the same by distresse of the Inhabitants of such Townes or Parishes where such default shall be tryed or proved, and that every such fyne, if it grow by presentment, to be only to the Kings use, and if it grow by Information, the moity thereof to be to him that pursueth the information for the same, and the other moity thereof to the Kings use, as is aforesaid, and if any such person or persons distrained appeare not at the day and place contained in such distresse, then upon the returne of the Sheriffe or other officer to whom the distresse was delivered to execute, that such person or persons were distrained, then every such person or

persons so distrained, at the first distresse shall loose 40.d. and at the second 5.s. 8.d. and so to be doubled upon every distresse in such cases to be awarded, till apparance may be had by one of the Inhabitants of such Towne or Parish, to deny traverse, or confesse the presentment or information exhibited against any such Towne or Parish, to the intent that upon tryall or prooffe thereof the fynes above limited may be assessed and levied of the Inhabitants of every such Towne or Parish, as is above rehearsed, and that Schollers of the universities that goe about begging, not being authorised under the seale of the universities by the Commissary, Chancellor, or Vice-chancellor of the same, and all and singular shipmen pretending losses of their ships and goods of the Sea, going about the Countrey begging without sufficient authority witnessing the same, shall be punished, and ordered in manner and forme as is above rehearsed of strong beggars, and that all proctors and pardoners going about in any Countrey or Countreyes, without sufficient authority, and all other idle persons going about in any Countrey or abiding in any City, Borough, or Towne, some of them using diverse and subtile, crafty and unlawfull gaines and playes, and some of them faining themselves to have knowledge in Phyticke, Phisnomy, Palmestry, and other crafty sciences, whereby they beare the people in hand that they can tell their destinies, diseases, and fortunes, and such other like fantasticall imaginations, to the great deceit of the Kings subjects shall upon examination had before two Iustices of peace, whereof the one shall be of the *Quorum*, if he by proveable witnesse be found guilty of any such deceits, be punished by whipping at two dayes together, after the manner before rehearsed, and if he eftsoones offend in the said offence or in the like offence then to be scourged two dayes and the third day to be put upon the pillory from 9. of the clocke till 11. before noone of the same day, and to have one of his Eares cut of, and if he offend the third time, to have like punishment with whipping, standing on the pillory, and to have his other Eare cut of, and that Iustices of peace have like authority in every liberty and franchise within their Shires where they be Iustices of peace for the execution of this Act in every part thereof as they shall have without their liberty or franchise, and that this Act shall every yeare be read in open Sessions, to the intent that the statute shall be the more feared, and the better put in execution, and furthermore be it enacted, that if any person or persons, at any time hereafter give any harbour, money, or lodging, to any beggars being strong and able in their bodies to worke, which order themselves contrary to the forme of this statute, that every such person so doing, being sufficiently proved or presented before any Iustice of peace, shall make such fine to the King as by the discretion of the said Iustices of peace at their generall Sessions shall be assessed; and if any person or persons doe disturbe or let the execution of this Act in any manner wise, or make

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rescous against any Maior, Sheriffe, bailiffe, or other person that shall endeavour himselfe for the due execution thereof; that then every such person and persons; for every such offence doing, shall loose 100.s. and over that to have imprisonment at the Kings will, the one halfe of which forf. if such offence be committed in any Citie or towne corporate, to be to the Maior, Sheriffe, Bailiffe, or other head Officers of such Towne or City corporate, where any such offence shall be done; to the use of the commonalte of every such Citie or towne corporate, and if it be committed out of the Cittie or Towne corporate, then the said one halfe to be to the Lord of the Leete or Law day where such offence shall be done, and the other halfe of every such forf. to be to the King, for the which forf. of 5.l. recoverie shall be had by action of debt, Bill, or plaint, or information in any of the Kings Courts, in which suits the defendants shall not wage their Law, nor have any effoigne or protection allowed: And it is ordeined and enacted that the seales above rehearsed shall be made at the costs and charges of the Iustices of peace, Maiors, Sheriffes, Bailiffes, and other officers above written (that is to say) that every of them should doe the said seales, to be made within the limits of their divisions, jurisdictions and authorities: And it is also ordeined and enacted, that every letter to be made, by the authoritie of this Act, whereby any impotent begger shall be authorised and assigned to begge, shall be made in this forme ensuing, *viz.*

Dublin. B. Memorandum that *A. B.* of dale for reasonable consideration is licensed to begge within the hundred of *P. K.* and *L.* in the said County, given under the seale of that limit, *tali die & anno.*

And that every such letter that shall be made and delivered to such begger or Vagabond, after he hath beene whipped by authority of this Act shall be made in this wise following.

Dublin. I. S. whipped for a vagrant strong begger, at Dale in the said County according to the Law, the 28. day of Iuly in the 13. yeare of King *Charles, &c.* was assigned to passe forthwith, and directly from thence to sale in the County of Meath, where he saith he was borne, (or where he last dwelled by the time of three yeares) and he is limited to be there within 14. dayes next ensuing at his perill (or within such number of dayes as to him shall be limited by the discretion of him that maketh the said letter) In witnesse whereof the seale of the limit of the said place of his punishment hereunto is set.

7. And it is enacted, that every such letter shall be made at the equall costs of such the said Iustices, mayors, sheriffes, bailiffes, and other officers within whose Iurisdctions, powers and authorities, the said begger or Vagabond shall be whipped or limited to begge in, by authoritie of this Act, and every such letter shall be subscribed with the hand of one of the Iustices, Maiors, Sheriffes, bailiffes, or other officers, in this forme following, *Per me A. B. Iusticia-*

Iusticia-

Iusticiariorum pacis, or majorem civitatis, or ballivum ville or constabularium talis hundredi, or else in like forme in English.

8. And it is further enacted, that every such person or persons, that have the custodie of any gaolés within any shire, City, borough, or towne corporate shall doe, make a seale engraved with the name of the Castle, prison or gaole which he keepeth, and in case any person or persons that shall be delivered out of any gaole or prison for suspicion of felony by proclamation, or be acquit of any felony, and hath no friends to pay his fees, nor was borne within the hundred or place where he shall happen to be so delivered, nor can get him no master thereto abide and worke with, shall have libertie to begge for his Fees by the license of his Keeper by the space of six weekes next after such deliverance, and after that to be compelled to goe to the hundred where he was borne, or last dwelled for the space of three yeeres, within such time as shall be limited to him by one of the Iustices of peace, Mayors, sheriffes, bailiffes or other officers where such deliverance shall be had: And it is enacted, that every such person so delivered, shall have a letter made to him by the Clarke of the peace of the shire, within the which he was delivered, if he be delivered within the shire, and if he bee delivered within any Towne, Citie, borough, corporate, then he to have a letter of the common Clerke of every such City, borough or towne corporate, where he is delivered, every such letter witnessing the day of his deliverance, and the place where he was delivered, and before whom, and the time appointed when he shall begge for his Fees, and the place to the which he shall be assigned to repaire unto, in case he can get no master to fall to worke where he was delivered, and to every such letter the gaoler or keeper of the prison out of which the person shall be delivered, shall put the seale limited to be made, as is aforesaid, for the said prison, and that every such letter shall be made in this wise following:

Dublin. s. the 20. day of Iuly Anno regni regis Caroli I. S. was delivered for felony out of the gaole of D. in the said County at the Sessions holden afore A.B. and his fellowes at Sale, the day and yeare aforesaid, and is allowed to begge for his Fees by the space of six weekes, and in case he can get no master to worke with in the said terme, then he is assigned to goe directly to D. in the county of Meash, wherein he saith he was borne, or last dwelled by the space of three yeares, and he is allowed 14. dayes next after the six weeks for his passage thither (or such number of daies as to him shall bee limited by the discretion of the maker of the said letter) In witnesse whereof the seale of the prison from the which hee was delivered thereunto is set, and in such shires where no gaole is the sheriffe thereof for the time being shall cause a seale to be engraved with the name of the shire, and shall order and use the same seale to and for such persons so delivered, as is aforesaid, after like maner and forme

as the Gaoler and keeper of the gaole is limited and appointed to doe by this Act. And it is also enacted that every Clerke of the peace of the Shire within the which such person shall be delivered, and every common Clerke of every Citie, borough, or towne corporate within the which any such person shall bee delivered shall make for every such person as shall be so delivered where they be such officers, the said letter in forme abovesaid, without any Fee taking for the same, and shall deliver every such letter to the Gaoler or keeper of the prison from the which such person shall be delivered, and if there be no Gaole there, then to the Sheriffe of the shire, where such deliverance shall be had within one day next after the end of the Sessions, where any such deliverance is had, upon paine to loose and forfeit for the default of every letter 12. d. to the Kings Majestie, and that the Gaoler or Keeper of the prison from the which the person shall be so delivered, and in case there be no Gaole, then the Sheriffe of the shire where any such deliverance shall be had, shall not suffer any such person to goe abroad to begge for his fees, nor depart out of prison, except it be to service or labour, unlesse the said Gaoler or sheriffe first deliver to the said person the said letter containing his name, sealed with the seale of the prison, from the which he shall be delivered, or else with the seale engraved with the name of the shire, if there be no prison, upon paine for every default to loose 12. d. to the Kings highnesse. And it is enacted that if any person or persons so being delivered out of prison, at any time after the said feast doe begge, not having the letter aforesaid sealed in forme abovesaid, or begge contrary to the tennor of the said letter, that then he shall be taken, ordered and whipped in every behalfe, like as is above appointed for strong beggers, and that to bee done and executed by such as be above limited to doe the same upon strong beggers, and in such wise, and upon such paine, as is above limited, for non execution of the punishment of strong beggers, provided alway that it be lawfull to every person and persons, being bounden by reason of any foundation or ordinance to give or distribute any money in Almes, and also to every person and persons at common doles, used at burials or obytes, to give and dispose in Almes any money to every person and persons comming to such Almes or Doles after like forme and manner as they have beene accustomed to doe in that behalfe, before the making of this Act, without any danger or penaltie of this statute, any thing contained in this present statute to the contrary hereof notwithstanding, provided also that it be lawfull to all masters and Governours of hospitals, to lodge and harbour any person or persons of charitie or Almes, according to the foundation of such hospitals, and to give money in Almes, in as large manner and forme as they are bounden, or owen to doe any thing in this statute to the contrary hereof notwithstanding.

And

And lastly *in anno 11. Caroli ca. 4.* in Ireland it is ordeined, for the better suppressing of Rogues, Vagabonds, and other idle and disorderly persons that before the Feast of Saint *Michael* the Archangell which shall be in the yeare of our Lord God, one thousand six hundred thirty and six, there shall be erected, built, or otherwise provided within every County of this realme of Ireland, one or more fit and convenient house or houses of correction, with convenient backside thereunto adjoyning, together with Mills, working cards, and other necessary implements, to set the said Rogues, and other idle and disordered persons on worke, the same houses to be built, erected or provided in some convenient place or Towne in every County, which houses shall be purchased, conveyed or assured unto such person or persons, as by the Iustices of peace, or the more part of them in their quarter Sessions of the peace, to be holden within every county of this Realme of Ireland shall be thought fit upon trust, to the intent that the same shall be used and imployed for the keeping, correcting, and setting to worke of the said Rogues, Vagabonds, sturdie beggars and other idle persons.

And it is further enacted by the authoritie aforesaid (that if the said house and houses respectively so to be erected, purchased or provided shall not be erected, built or otherwise provided before the said feast of Saint *Michael*, that then every Iustice of peace, resident and dwelling within any County of this realme, where such house and backside shall not be so erected and provided shall forfeit for his neglect Five pounds sterling, and so for every yeare which shall ensue after the Feast of Saint *Michael*, wherein the said house and backside shall not be erected and provided every such Iustice of peace, as is aforesaid, shall forfeit 5*l.* sterling, the one moiety of the said forfeitures, to be unto him or them that will sue for the same, by action of debt, Bill, plaint, or information, in which suit no protection, essoine or wager of law shall be admitted, and the other moiety thereof to be imployed and bestowed towards the erection, building, procuring, or providing the same houses and backsides respectively, and such necessary imployments as aforesaid, and by the said Act it is further ordeined that the Iustices of peace in every County within this Realme, or the more partie of them shall have power at any their quarter Sessions of the peace within the said County to make such orders, as to them or the more part of them from time to time shall be thought fit, for the raising of money upon the inhabitants of the said County for erecting, or providing the said houses, and for the government and ordering the said houses respectively, or for stocks of money for the setting to worke such persons as shall be committed to the same, or for the yearely payment of such officers, as hereafter by this present Act shall bee appointed for governor or governors of the said house or houses, and for such other as they shall thinke fit to be imployed therein, and that the said Iustices

Iustices at their said Quarter Sessions, wherein they shall set such order for the raising of money, as aforesaid, shall then and so yearly afterwards nominate and appoint one sufficient man, inhabiting in the said County to be and be called the treasurer of the receiving and paying out of such monies as shall be collected for the said houses, or for the use of them, and the said treasurer so elected to continue for the space of one whole year in this office, and then to give up his charge, with a due accompt of his receipts and disbursements at the quarter Sessions to be holden next after the Feast of Saint *Michael* every year in the presence of two Iustices of peace, to such other as shall be from year to year successively elected treasurer, and if any man chosen, as aforesaid, shall refuse to accept or execute the said office of treasurership, that then it shall be lawfull for the Iustices of peace in their quarter Sessions, or in their defaults for the Iustices of Assise at the Assises to be holden in the same County to fyne the said treasurer by their discretion, the same fyne not to be under three pounds sterling, which shall be levyed by sale of his goods, by vertue of a warrant to be given for that and by the said Iustices, to such person or persons as they shall thinke fit, which fyne so levyed, to be to the use and towards the maintenance of the said house of correction.

And it is further enacted that the Iustices of peace of every County within the realme of Ireland at their quarter Sessions of the peace to be holden for their severall Countyes (next after the erecting, providing, or building of the said house or houses, and so from time to time) or the most part of them, shall elect, nominate and appoint, at their will and pleasure, one or more honest, fit person or persons, to be governor or master of the said house, or houses, so to be purchased, erected, built, or provided, which person or persons so chosen by vertue of this present Act, shall have power and authority to set such Rogues, Vagabonds, idle and disorderly persons as shall be brought and sent unto the said house to worke and labour (being able) from time to time for such time as they shall continue and be remaining in the said house of correction, and to punish the said Rogues, Vagabonds, idle and disorderly persons, by putting fetters or gins upon them, and by moderate whipping of them, and that the said Rogues, Vagabonds, and idle persons, during such time as they shall remaine in the said house of correction, shall in no sort be chargeable to the Countrey, for any allowance either at their bringing in or going forth, or during the time of their abode there, but shall have such and so much allowance as they shall deserve by their owne labour and worke; And for that it is convenient that the masters and governors of the said houses of correction, shall have some fit allowance and maintenance for their travaile and care to be had in the said service, as also for the releiving of such as shall happen to be weake and sicke in their custody. It is therefore enacted that the masters or governors of the said houses of correction shall have such summe of money paid

him yearely as shall be thought meete by the most part of the Iustices of peace within the said County at their quarter Sessions of the peace, the same to be paid quarterly before hand, by the treasurer aforesaid, during the time that the said masters or governors shall be employed in the service, the said master or governor giving sufficient securitie for the continuance and performance of the said service, which if the Treasurer shall neglect or refuse to performe, then the said master or governor of the said house of correction, shall by warrant from any two Iustices of the peace of the said County levye such summe or summes of mony as ought to be paid to the said master or governor, by distresse and sale of so much of the said treasurers goods, as the said money which shall be behind doth amount unto, rendring to the said treasurer the overplus, if any shall remaine; and in defect of such distresse, it shall be lawfull for any two Iustices of peace as aforesaid to commit the said treasurer to the County gaole of the County, there to remaine without baile or mainprise, untill payment be had of such summes as is behind to the said master and governor, provided alwayes that before any such warrant be granted for distraining of the said treasurers goods, or committing of his body, that it shall appeare before the said Iustices of peace, either by confession of the party, or by testimony of two sufficient witnesses in the presence of the treasurer, that he hath so much money in his hands appertaining to the said uses as may satisfie the said masters or governor, and because there shall be the more care taken by all such masters of the houses of correction, that when the Countrey hath beene at trouble and charge to bring all such disorderly persons, as aforesaid, to their safe keeping, that then they shall performe their duties in that behalfe; It is therefore enacted that if they shall not every quarter Sessions yeeld a true and lawfull accompt to the Iustices of peace of all such persons as have beene committed to their custody, or any of them shall be troublesome to the Countrey by going abroad, or otherwise shall escape away from the said house of correction, before they shall be from thence lawfully delivered, that then the said Iustices shall set downe such fynes and penalties upon the said masters and governors, as the most part of them in their quarter Sessions shall thinke fit and convenient, and all fynes and penalties not herein before limited shall be paid unto the treasurer and accompted for, by the treasurer aforesaid, and further that the said Iustices of peace of every County, or any two or more of them, twice in every yeare at the least, and oftner if there be occasion, shall assemble and meet together, for the better execution of this statute, and that some foure or five dayes before their assembly and meeting, the said Iustices or the more part of them, shall by their warrant, command the Constables of every Barony, Towne, Parish, Village, and hamlet, within the said County, or so many of them, as they in their discretions shall thinke fit, which shall be assisted with sufficient
men

men of the same places, to make a generall privy search in one night, within their said Barronies, Townes, Parishes, villages, and hamlets, for the finding out, and apprehending of the said Rogues, Vagabonds, wandring and idle persons, and that such Rogues, Vagabonds, wandring and idle persons as they shall then finde and apprehend in the said search, shall by them be brought before the said Iustices, at their said assembly and meeting there, to be examined of their idle and wandring life, there to be punished according to a statute in the 33. yeare of King H. 8. in this kingdome, against Vagabonds, or otherwise by their warrant, to be sent or conveyed unto the said house or houses of correction within the said County, appointed and prefixed, there to be delivered to the master or governor of the said house, or to his Deputie or assignee, to be set to labour and worke, at which dayes and times of assembly and meeting, so to be held by the said Iustices of peace, the Constables of the said Barronies, Parishes, Townes, Villages, and hamlets, shall then appeare before the said Iustices of peace, at the said assemblies or meetings, and there shall accompt and reckon upon oath in writing what Rogues, Vagabonds, and wandring disorderly persons they have apprehended both in the same search, and also betweene every such assemblies and meetings, and how many have beene by them punished, or otherwise sent unto the houses of correction, which if the said Constables shall neglect to performe, as also to convey safely all such Rogues, with all other idle or disorderly persons, at the charge of the Constablewicke as by the Iustices of peace warrants, shall be sent unto the houses of correction in the same County, that then they shall forfeite such further fynes, paines and penalties, as by the said Iustices of peace or the most part of them shall be thought fit and convenient, not exceeding the summe of Forty shillings for every offence: And it is further enacted that all persons calling themselves schollers, going about begging, all idle persons going about in any Countrey, either begging or using any subtile craft, or unlawfull games or playes, or feigning themselves to have knowledge in Physiognomie, Palmestry, or other like crafty science, or pretending that they can tell destinies, fortunes, or other like phantasticall imaginations, all persons that be, or utter themselves to be proctors, procurers, patentgatherers, or collectors for gaoles, prisons, or hospitals, all Fencers, Bearewards, common players of enterludes and minstrels wandring abroad, all Iuglers, all wandring persons and common labourers, being persons able in body, using loytering, and refusing to worke for such reasonable wages as is taxed and commonly given in such parts, where such persons doe, or shall happen to abide or dwell, not having living otherwise to maintaine themselves, all persons delivered out of gaoles, that begge for their fees, or otherwise travell begging, all such persons as shall wander abroad, pretending losse by fire, or otherwise, all such as wandring pretend themselves to be Egyptians,

or wander in the habite, forme or attire of counterfeit Egyptians, shall be taken, adjudged and deemed Rogues, Vagabonds, and sturdy beggars, and shall sustaine such punishments, as are appointed by the said statute made in the three and thirtieth yeare of King *Henry the Eighth*, *cap. 15.* in this kingdome, against Vagabonds, or be otherwise dealt withall, by sending them to the house of correction in the County where they shall be found, as to the Iustices of peace of the said County, or to any one, or more of them shall be thought fit, and for that many wiltull people, finding that they have children, have some hope to have reliefe from the Parish wherein they have dwelled, and being able to labour, and thereby to relieve themselves and their families, doe neverthelesse runne away out of their Parishes, and leave their families upon the Parish, for remedy whereof it is enacted that all such persons so running away shall be taken and deemed to be incorrigible Rogues and endure the paines of incorrigible rogues, and if either such man or woman being able to worke and shall threaten to run away and leave their families, as aforesaid, the same being proved by two sufficient witnesses, upon oath, before two Iustices of peace in the County where they dwell or whither they runne, that then the said person so threatening shall by the Iustices of peace be sent to the houses of correction, unlesse he or shee can put in sufficient sureties for the discharge of the Parish, there to be dealt with as a sturdy and wandring Rogue, and to be delivered by the said Iustices at any of their meetings, or at their quarter Sessions, and not otherwise.

And it is further enacted that if any Action of Trespasse, or other suite, shall happen to be attempted and brought against any person or persons for taking of any distresse, making of any sale, or any other thing doing by authority of this present Act, the defendant or defendants in any such Action or suite, shall and may either plead not guilty, or otherwise make avowry, cognisance, or justification for taking of the said distresse, making of sale, or other thing doing by vertue of this Act, alledging in such avowry, cognisance or justification, that the said distresse, sale, trespassse, or other thing whereof the plainetiffe or plainetiffes complained, was done by authority of this Act, and according to the tenor, purport and effect of this Act without any expressing or rehearfall of any other matter or circumstance contained in this present Act, to which avowry, cognisance, or justification the plainetiffe shall be admitted to reply, that the defendant did take the said distresse, made the said sale, or did any other Act or Trespasse supposed in his declaration of his owne wrong, without any such cause alledged by the defendant, whereupon the issue in every such Action shall be joyned, to be tryed by verdict of twelve men, and upon the tryall of that issue, the whole matter to be given on both parties in Evidence, according to the very truth of the same, and after such issue tryed, for the defendant or nonsuite of the plainetiffe,

tiffe, the sad defendant shall recover treble damages, by reason of his wrongfull vexation in that behalfe, with his costs also in that part sustained, and that to be assessed by the same Iury, or by writ to enquire of damages as the same cause shall require.

And it is further enacted that the Iustices of Assize, in their severall circuits, shall have full power to enquire of all defects, defaults, and negligences of any Iustice of peace, or any other officer, person or persons whatsoever, in the not due execution of this Law, and also of all offences done contrary to the intent and true meaning thereof, and to punish the same by fyne or imprisonment, or otherwise according to their discretions.

~ Suretie for the peace. CHAP. 56.

1. **S**uretie for the peace is the acknowledging of a Recognisance (or bond) to the King taken by a competent Iudge of Record for the keeping of the peace, and it is called surety, of the word *securitas*, because the party that was in feare is thereby the more secure and safe. Dalton 140.

2. This surety for the peace, every Iustice of peace may take and command in two manners, or by a twofold authority. F.N.B. 7.9. h. Lamb. 77.

3. First, as a Minister, commanded thereto by a higher authority, as when a writ of *supplicavit*, directed out of the Chancery or Kings Bench, is delivered to his hands, upon this writ, that Iustice of peace, only (to whom such writ was delivered) is to direct his warrant to cause the party to be brought before him alone, to finde sureties for the peace, and therein the said Iustice is to doe in every behalfe, according as the writ doth direct him.

4. Secondly, as a Iudge, (and by vertue of his office) and of his owne power derived from his Commission, he may command this surety of the peace to be found, and that either of his owne motion and discretion, or else at the request or prayer of another.

5. The Iustice of peace upon his owne motion and discretion may (if he see cause) command surety for the peace to be found or may bind a man to the peace (and that against all the Kings subjects, if the Iustice shall so thinke fit) in these cases following. Vpon discretion. Dalton 141.

6. One that maketh an assault, or affray upon the Iustice of peace himselfe, the Iustice of peace may commit him to prison, till he hath found sureties for the peace or if he please for the good behaviour. 1 H. 7. 6.

7. So of such as in his presence shall make an affray upon another, or shall stricke, or assault or offer to stricke another. P. R. 12. 19.

8. So he may doe of such as in his presence and hearing shall threaten to kill, beat or hurt another, or to burne his house.

9. So likewise may he doe of such as in his presence, shall contend in hot words, for from thence oftentimes doe ensue affrayes and batte- P. R. 12.

batteries, and sometimes mischiefs, yea manslaughters and murders.

See Cromp.
761. 142.
P. R. 4.

10. So also may he doe of such as shall in his presence goe or ride armed offensively or with an unusuall number of servants or attendants, for these are accompted to be in affray and feare of the people, and a meanes of the breach of the peace, so of servants and labourers that shall beare any weapons, contrary to the statute of 20. R. 2. c. 1.

9. Ed. 4. 3.
P. R. 18.

11. Also he may binde to the peace any other person by him suspected to be inclined to the breach of the peace.

Cromp. 135.
& 143.
P. R. 22.

12. If (out of the presence of the Iustice of peace) any man shall threaten to kill, maim, or beate another, or doe attempt or goe about to doe it, then any Constable (being present, or at the prayer of the other party) may arrest such offender to come before a Iustice of peace to finde sureties for the peace, and the Iustice may bind him to the peace.

Fit. bar. 202.

13. If any Constable shall perceive any other persons, in his presence, to be about to breake the peace, either by drawing weapons or by stricking or assaulting one another, or by assaulting the Constable himselfe, he may take assistance, and carry them all before the Iustice to finde sureties for the peace, and the Iustice may bind them accordingly, and for default of sufficient sureties the Iustice of peace may commit them to the gaole, untill they finde such security.

14. H. 7. 73

14. If the Constable shall learne that certaine persons be fighting, or quarrelling in a house, he may breake open the doores and arrest them, and bring them before a Iustice of peace to finde surety of the peace, and the Iustice may bind them to the peace or in default of such sureties commit them to the gaole.

P. R. 22.

15. Yea, the Iustice of peace (either upon his owne discretion or upon any mans complaint) may make his warrant, for any such as have made an affray, though out of his presence, and may bind them to the peace or commit in default of sufficient sureties.

Dalton 141.

16. If one hath received a wound the Iustice of peace may take surety of the peace of the one, and the other (by his discretion) untill the wound be cured, and the malice be over, *Popham* the Lord chiefe Iustice of England (an honourable and grave Iudge) did accordingly betweene *James* and *Benton* at Cambridge Assizes, 3. *Iacobi*.

See Br peace 21.

2. Ed. 3. c. 38

Dalton. 142.

17. All such as shall goe or ride armed offensively in faires, markets, or elsewhere, or shall weare or carry any guns, daggs or pistols charged, in disturbance of the peace or terror of the people, any Constable seeing this may arrest them, and may bring them before any Iustice of peace, and the Iustice may bind them to the peace, yea though those persons were so armed or weaponed for their defence, for they might have had the peace against the other persons whom they feared, and besides, it striketh a feare and terrour in the Kings subjects.

Ibid.

18. Also the Iustice of peace (upon his discretion) may bind to the peace a common Barretor, and so he may Riotters.

19. If

19. If he that standeth bound to keepe the peace hath broken; or forfeited his recognisance, the Iustice of peace ought, and may of his discretion, to bind him anew, but that must not be done untill the party be convicted of the breach of the peace, upon his recognisance, for before his conviction it resteth indifferent whether the recognisance be forfeited or no; but after that he is thereof convicted, the recognisance is utterly determined, and then he is to be compelled to finde new surety, or else to be sent to the gaole. 21. Ed. 1. 40.
Br. peace 17.
Crompt. 42.

20. So it seemeth if the Iustice of his owne knowledge know that the party which was bound hath sithence his entring into bonds broken the peace, he shall be bound of new, and if he refuse to finde new sufficient sureties he shall be committed to prison, *Crompt. 141.*
& *Br. recog. 21.*

21. Also he that standeth bound to keepe the peace, if his sureties be insufficient, the same Iustice or another Iustice of the peace may compell him to finde better sureties, or else commit him to the gaole. Dalton 142.

22. And in many of the former cases, the Iustice of peace ought (of duty, or at least in good discretion) to command the surety for the peace although the same be not required by any other person; and if any such person shall refuse to give such surety, the Iustice of peace ought to send him to prison, there to remaine untill he shall finde such surety.

23. If a Iustice of peace (upon his owne discretion) shall cause one to be arrested to finde sureties for the peace; and shall after let him goe without taking surety, or binding him to the peace, yet the party hath no remedy, for an Action will not lye against the Iustice of peace, he being a Iustice of Record, *See 9. H. 6. fo. 61. & 9. Ed. 4. fo. 3.*
Br. Judges 2. 10. 9. Ed. 4. 17.
Br. peace 8.

24. A Iustice of peace may perswade a man to require the surety of peace against another, and he himselfe may grant a warrant for it, because it is no more then he might have granted of his owne authority without any demand made, and it shall be presumed that he saw cause to doe all this. P. R. 18.
Dalton 143.

25. Also at the request or prayer of another, the Iustice of peace may command this surety of the peace, and may grant his warrant for it. Upon request.

26. But here the Iustice of peace must and ought to take an oath of the party that demandeth the peace, which oath must be to this effect, *scil.* that he standeth in feare of his life, or of some bodily hurt to be done to himselfe, or to have his houses burned (and that he doth not crave the peace, for any private malice, or for vexation, but of very feare, and for the needfull safety of his body, or houses) for the words of the Commission herein are, *Et ad omnes illos qui alicui vel aliquibus de populo nostro, de corporibus suis, vel de incendio domorum suarum, minas fecerint ad sufficientem securitatem de pace, &c. invenienda, &c.* F. N. B. 70. b.
Dalton 143.

Ibid.

27. So as he that shall be threatned to be hurt in his body, *scil.* to be beaten, wounded, maimed, or killed, the party so threatned may crave and have the surety of peace against the other.

Ibid.

28. Also if a man doe feare that another will kill, maime, beat, assault, or hurt him in body, he may crave the peace against such other person.

29. So if a man doe feare that another will burne his house.

Ibid.

30. So if a man doe feare that one will procure or cause any such hurt to be done him by another, either in his body, or in his house, for the words of the recognisance be, *non faciet neque fieri procurabit.*

Ibid.

31. So if a man lieth in waite to beate, kill, or hurt another it is good cause to require this surety, *Crompt. 135.*

Ibid.

32. If a man be threatned to have his goods burned, it seemeth by the opinion of Master *Fitz.* that he may demand surety of the peace for this.

17. Ed. 44.
Br. peace 22.

33. But where a man shall threaten to imprison another, it is holden that the peace shall not be granted, for this may be intended to be by legall proceffe, but if one shall threaten another of his owne wrong without any legall proceffe to Imprison him by force and violence; it seemeth to me that this is good cause not onely to grant security for the peace, but also for the good behaviour, for to threaten such imprisonment is within the words *minas de corporibus*, and like harme may happen to a man by hard imprisonment, as by cruell beating of him, and to threaten such imprisonment seemeth to be a good cause to avoide a deed, as well as to threaten to kill or maime one, &c. *39. H. 6. Br. Dureff. 9.*

Fitz. Na. Br.
fo. 20. g.
Dalton 144.

34. Where a master is in feare that another will hurt his servants, or his Cattell, or other goods, this surety of the peace shall not be granted by the Iustice of peace, but in this case Master *Fitzherbert* saith, the party may have a speciall writ out of the Chancery directed to the Sheriffe, that he shall cause such person to finde surety that he shall doe no hurt nor damage to the other man in his body, or to his servants or goods, and if he will not finde surety, that then he shall arrest and detaine him in prison, untill he shall finde surety, and that the Sheriffe shall certifie all that he shall doe thereupon into the Chancery, &c. and it seemeth the Sheriffe ought to take such surety by recognisance, and yet if a man shall threaten to hurt my servant, or my wife, or child, I see no cause but that in their behalfe I may crave the peace at the Iustices hands, by the words of the Commission, and that the Iustice ought to doe it.

35. If a man will require the peace, because he is at variance or in suite with his neighbour, it shall not be granted by the Iustice of peace.

Br. Imprif 41.
D. R. 14.

36. Note also that the surety for the peace shall not be granted but where there is a feare of some present, or future danger, and not meerey for a batterie; or trespasse that is past, or for any breach of

of the peace that is past, for this surety of the peace is only for the security of such as are in feare; *metus, est presentis vel futuri periculi causa mentis trepidatio*, so this surety is *providere presentia & futura, & non praterita*.

37. And as for a battery or other like trespassse that is past, the party Dalton 144. wronged may have his Action of trespassse or battery, &c. or may punish the offender by indictment at the Kings suit, and yet in such case the Iustice may, if the party hurt do pray it, or upon any good circumstance if he see cause, bind the party that made the affray to the peace.

38. If the Iustice of peace shall perceive that this surety for the peace is demanded meerely of malice or for vexation only, without Ibid. any just cause of feare, it seemeth he may safely deny it as in common experience we finde it, that where A. shall upon just cause come and crave the peace against B. and hath it granted to him, when B. shall come before the Iustice, B. likewise will crave the peace against A. and will perhaps surmise some cause, but yet will neverthelesse be content to surcease his suit and demand against A. so as A. will relinquish to have the peace against him, here the Iustice of peace shall doe well, as I thinke, not to be too forward in granting the peace thus required by B. but to perswade with him, and to shew him the danger of his oath which he is to take, but yet if B. will not be perswaded, but will take his oath that he is in feare (where indeed he neither doth feare nor hath cause to feare) the Iustice may if he please upon such oath to grant the peace, and this oath shall discharge the Iustice, and the fault shall remaine upon the party, but in such case I thinke it better discretion in the Iustice to forbear taking of such oath and the security for the peace then to grant it.

39. The Law hath conceived such an opinion of the peaceable Noble men. disposition of noble men, that it hath beene thought enough to take one of their promisses upon his honour, that he would not breake the peace against a man, *Br. contempts 6.24. Ed. 3.3. and 17. Ed. 4.4.*

40. And therefore if a man shall have cause to have the surety of the peace against a Lord of the Parliament, or such great and noble personage, he shall not have a warrant from the Iustices of peace to that purpose, nor yet have a *supplicavit* out of the Chancery directed to the Iustices of peace therefore, but if there be cause he may have a *Subpana* out of the Chancery, of common right, as it seemeth, and there such Lord or noble man shall be bound to the peace, and yet if such Lord will not appeare upon the *Subpana* served, it seemeth an Fitz. subp. 20. attachment will lye against him upon such his default, Master *Crompt. fo. 134. b.* saith that it was held in the case of the Lord *Cromwell* in the Chancery about 18. *Eliz.* that an attachment lieth not against a Lord where he maketh default upon a *Subpana* against him out of the Chancery, *Dyer 315.* seemeth to accord, but I conceive that this opinion is no Law, but that for a personall contempt in a noble man an attachment lyeth, or he may be fined by the Court for his contempt.

Co. 6. 53. 54.
11. H. 4. 15.
Br. Rep. 19.

41. But though it be true that the persons of Barons (who are peeres of the Parliament) shall not be arrested (for, or in cases of debt or trespassse) by their bodies, first in respect of their dignity, secondly, that the Law presumeth that they have sufficient lands and tene-ments wherein they may be distrained, yet in cases of contempt it seemeth they may be arrested by *capias*, or attachment, &c.

Fitz. Subp. 20.
ante. pl. 40.

F. N. B. 79. B.

Cromp. 134.

42. Or else it seemeth that the party may crave the peace in the Chancery against such Lord or peere, *sc.* to have a *supplicavit* directed to the Sheriffe, and that the Sheriffe may and ought to execute the same, and that if the Sheriffe shall not doe his office therein, *an alias plur.* attachment lieth against him, and if the Sheriffe shall returne, that such Lord is puissant, that he cannot arrest him upon such return, the Sheriffe shall be grievously amerced (for he might have *posse comitatus*, *sc.* he might have levied 300. men by his discretion, if there had beene need, to have aided him in such case) and if such Lord or peere who is by the Sheriffe so arrested, shall refuse the arrest, and shall make a rescous, whereupon the Sheriffe shall returne a rescous, hereupon an attachment shall be granted out against such Lord, to arrest and take his body for such his contempt.

Co. 6. 52. 53.

43. The same Law and remedy seemeth to be, where a man hath caule to have the surety of the peace against a Dutchesse, Countesse, or Baronesse, for they are Peeres of the Realme, and shall be tryed by their peeres, although in respect of their sexe, they cannot sit in parliament, and they are in the same degree (as concerning their nobility and the priviledges incident to their dignities) with Dukes, Earles, and Barons, but here note this diversity, *sc.* if such a woman being a Countesse, or Baronesse, &c. by marriage only, shall marry againe under the degree of nobility she hath thereby lost her name of dignity, together with the priviledges of her said nobility also, as it seemeth, for in such a case, *simulier nobilis nupserit ignobili, deserit esse nobilis*, and that which was gotten by marriage may also be lost by marriage, for *eodem modo quo quid constituitur, dissolvitur*, but if shee be noble by birth or discent, whomsoever shee shall marry, yet she remaineth noble, for birthright *est character indelebilis*.

Co. ibid.

44. And yet by the curtesie of England, if women get to any degree of estate, they never lose it by marriage, but doe still take place according to the estate of their first husbands, but this matter of curtesie hath no place in legall proceedings.

Dalton 146.

45. Suretie of the peace may be granted by the Iustice of peace against a Knight, and against all other lay persons, being under the degree of a Baron or peere of the Realme, and they shall be bound with sureties.

16. H. 6. 23.
Br. Maigne,
14. & 15.

46. Ecclesiasticall persons (if they be not attending upon divine service) may be arrested for the peace, and they shall be bound with sureties, but whilst they are doing any divine service in the Church, Churchyard, or other place dedicated to God, they may not be arrested,

arrested, 5. Ed. 3. 5. P. Arrests 1. See the stat. 1. R. 2. cap. 15.

47. Surety of the peace may be granted against the Sheriffe, Coroner, Escheator, and other such officers of Iustice, but Master *Marrow* adviseth that such persons be not bound, *versus cunctum populum*, but only against such person, as shall demand it, least otherwise it should argue them unworthy of their offices. Dalton 146.

48. One Iustice of peace may grant this surety to any man, against one of his fellow Iustices, but great discretion is herein to be used, otherwise he shall bring the office into contempt, and himselfe to reprove by it, saith Master *Lambert*, but although one Iustice of peace may take a recognisance of the peace of one of his fellow Iustices, yet if his fellow Iustice shall refuse to finde such security, I cannot conceive that the Iustice of peace may commit his fellow Iustice, for *inter pares non est potestas*. Dalton 146.
Lambert f. 80.

49. One Iustice of peace may demand this surety of the peace at the hands of his fellow Iustice against another man.

50. The wife may demand this surety against her husband, if he shall threaten to kill her, or outrageously beate her, or if the wife hath any notorious cause to feare that he will doe so, and it shall be granted her by the Iustice of peace, or shee may have it by *supplicavit* in the Chancery, *Fitz. Na. Br. fo. 238. fo. Br. peace 23.* Wife Fitz. 80. f.
Dalton 148.

51. The husband for the like causes may demand surety for the peace against his wife. Ibid.

52. Also the Iustice of peace upon his owne discretion may in either of the aforesaid cases betweene the husband and the wife, especially happening in his presence, grant surety of the peace. Dalton 147.

53. An Infant under the age of 14. yeares may demand this surety, and it shall be granted him. Dalton 147.

54. Also this surety of the peace may be granted at the prayer of any person against a feme covert, or against an Infant, though he be under fourteene yeares of age, for if such an Infant hath discretion to demand the peace, &c. then hath he discretion to breake the peace. Ibid.

55. But an Infant and a feme covert shall be bound by sureties onely, and they themselves shall not be bound, and if they cannot finde sureties, they shall be committed to prison untill they have found sureties, and yet if an Infant shall be bound to the peace, &c. by recognisance taken by a Iustice of peace, it seemeth he shall be estopped to avoid such a record, if he doth not avoid it during his minority, for it is not voide but voidable, by *audita quarela*. Ibid.
Co. 10. 43.
Crompt. 237. b.

56. But if a feme covert shall be bound or acknowledge such a Recog. though her husband joine therein with her, yet it is meere voide, as to the wife, although she over liveth her husband. Dalton 147.

57. If a man be of *non sana memoria*, this surety shall neither be granted against him, nor to him upon his request, and yet if there shall be cause, the Iustice of peace upon his discretion, ought to provide for his safety. Ibid.

58. A man that is lunaticke, (*scil.* who at some seasons hath the use of reason, and at other times not) it seemeth this surety of the peace may be granted against him, and also that he may demand the same against another.

See Co. 4.
114 & 11.77.

59. And if one of *non sana memoria*, or a lunaticke be himselfe bound by recognisance before a Iustice of peace to keepe the peace, it seemeth such recognisance shall bind them and all others for ever.

Dalton 147.

60. A man that is deafe, dumbe, and blind, shall not have this surety, for he hath no understanding to aske it, and yet such a person, or any other person not having reason to demand the peace, if there be cause, the Iustice of peace upon his discretion ought to provide for their safety.

Ibid.

61. A man that is borne dumbe and blind, may have understanding, and therefore it seemeth this surety may be granted to him, or against him.

62. But a man that is borne dumbe and deafe can hardly have understanding, for though the sight be the chiefeest sense, yet by hearing we come chiefly to knowledge, and therefore it seemeth not grantable to him or against him.

63. And this surety of the peace may be granted against an impotent person, although he be such a one as is not like to breake the peace himselfe, but he may procure another to kill, or beate one, and the common forme of recognisance is to bind a man from procuring hurt, as well as from doing hurt.

Crompt. 134.

64. This surety of the peace may also be granted to or against a man attainted of treason or felony.

65. A man excommunicate may have this surety granted to him or against him.

66. So also of a man that is abjured the Realme, for notwithstanding the abjuration, he oweth the King his leageance and remaineth within the Kings protection, and the King may pardon and restore him againe, *qui abjurat regnum, amittit regnum non regem*, Co. 7. 9. b.

67. A man attainted in a *præmunire* may not have this surety granted to him in Ireland, but in England he may have it, for by a statute made in England in anno 5. El. ca. 1. It is ordained that it shall not be lawfull to kill such a one, but this statute is not of force in Ireland.

Crompt. 134.
P. R. 19.

68. An alien borne, who is made Denizen, may have this surety, and so of an alien borne who liveth in England, under the Kings protection, although he be not made Denizen.

Co. 7. 17.

69. And so of an alien, whose King is in league with our King, or if there be no warres betweene this Realme and that Realme whereof the alien is, for by the common Law all these may get and have within this Realme any personall goods, and may sue for the same, and so have the benefit of the Kings Lawes and protection, but an Alien

Alien who is the Kings enemy, (*scil.* where there is open warre betweene our King and his King) shall not have such surety granted to him, nor any other benefit of the Kings Lawes. Dyer. 26

70. Who shall be said to be an Alien, See Co. 7. 16, 17.

71. In *Calvins* case, 6. *jac. reg.* there is a difference taken between *antenati* and *postnati*, in Scotland, where it is holden that *antenati* in Scotland, *sc.* such as were borne there before that Kings happy comming to the crowne of England are here aliens borne, the reason is, for that at the time of their birth they were under the leageance of another King, and he could not be a Subject borne of the Kingdome of England, that was borne under the leageance of a King of another Kingdome, and yet it is manifest that *antenati* being the Kings Subjects, are herein provided for, by the Commission it selfe, the words whereof are, *& ad omnes illos qui alicui vel aliquibus de populo nostro, &c.* of which number *antenati* be, so as they may and ought to have this suretie granted them as well as any other Subjects, See *Dyer* fo. 304. Co. 7. 18.

72. But it may be questioned, whether an infidell, pagan, or Iew, shall have this securitie granted them, for in law they are *perpetui inimici*, there is perpetuall enmitie betweene the Christians and them, and there can be no peace, neither can they get any thing within this realme, nor maintaine any action at all, 12. H. 8. 4. Co. 7. 17.

73. A villaine may have this suretie of the peace against his Lord, and the Lord may have it against his villaine, and yet it maketh no manumission, although it were demanded by the Lord without any protestation, &c.

How this Suretie of the peace may be commanded, and how the same commandement shall be executed.

CHAP. 57.

1. **T**He Iustice of peace may command this suretie of the peace, either by word only or by writing.

2. By word only the party being in his presence, as if in the presence and hearing of the Iust. of peace one man doth threaten another, or shall make an affray, or assault upon another, or doe some other like thing, tending to the breach of the peace, the Iustice of peace may command him by word to finde sureties for the peace, and for want of such sureties may commit him to prison untill hee shall finde the same. 14. H. 7. 1.

3. Also if one shall demand this surety against another, who is then in the presence of the Iustice of peace, and will be sworne that hee is affrayd of him, the Iustice may by word command him to finde sureties for the peace. 14. H. 7. 2.

4. And the Iustice of peace in such cases, may by word only command 14. H. 7. 3.

command the Constable or any knowne officer (or his owne servant) being then present, to arrest such party to finde sureties for the peace, and if the party shall refuse to finde such sureties, then the Iustice of peace may commit him to the gaole.

By writing.

5. By precept or warrant in writing and under scale, and this must be directed to some officer or other indifferent person, and must containe the cause, and at whose suit, to the intent the party to be bound may provide his sureties, and take them with him; The forme of which precept, See *postea tit. Warrants and Presidents*.

Co. 5. 39.

Br. peace 9.

31. H. 7. 31.

6. The Iustice of peace may make his warrant to bring the party before himselfe to finde suretie for the peace, by the opinion of *Wray* chiefe Iustice, for he that maketh the warrant, for the most part, hath the best knowledge of the matter, and therefore is the fittest to doe Iustice in that case, and yet the most usuall manner is, to make such a warrant, to bring the party before the same Iustice or some other of the Iustices of peace of the same County, &c. and Iudge *Fineux* his opinion was, that where a Iustice of peace doth make a warrant for the party *ex officio*, there the party may choose to appeare before him, or any other Iustice in that County, and that the party may have his action of false imprisonment against the officer, if he doe otherwise compell him.

How it shall be executed.

3. Ed. 4. 136.

P. R. 30. and
Cromp. 235.

7. The Constable (or other officer) before he arresteth the party upon such a warrant, ought first to acquaint him with the matter, and withall to require the party in the Kings Name to goe (with him) before the Iustices to finde sureties according to the warrant, and if the party shall refuse either to goe before the Iustice, or to finde sureties, then the officer may arrest him, by vertue of that warrant, and may convey him to the gaole, without carrying him to any Iustice of peace, and there the party shall remaine, untill he shall voluntarily offer and find sureties.

8. But if the partie shall yeeld to goe and finde sureties, then the officer may not absolutely arrest him, but yet the officer is not bound to goe up and downe with him to finde sureties, but may keepe the party untill he can procure sureties to come to him, yet if afterwards the party shall make any resistance, or shall offer to goe his way, then the officer may arrest him, and by vertue of that warrant, may carrie him to the gaole, and may also imprison him in the stockes, untill he can provide aide to convey him to the gaole.

14. H. 7. f. 10. 2.

Br. peace.

9. When the party commeth before the Iustice of peace by force of this warrant, or by force of any other warrant for the peace, or good behaviour, or for a riot, or the like, the party must offer sureties to the Iustice of peace or else the Iustice may commit him to the prison, for the Iustice needeth not to demand surety of him.

30. 5. 39.

10. Also after that the party shall be brought before the Iustice, if before him he shall refuse to finde sureties, the officer without any new warrant or commandement may carry the party to prison, and that

that by the words of the first warrant, (and if he shall refuse this to doe, that then, &c.) see the forme of the warrant in the title of warrants and presidents.

11. If the officer doe arrest the party, and doe not carry him before some Iustice of peace to finde sureties, &c. or upon the refusall of the party, if the officer shall arrest him, and doe not carry him to the gaole, in both these cases, the officer is punishable by the Iustices of peace for this neglect (by fyne at their Sessions) and also the party arrested may have his Action of false imprisonment for the arrest, for where the officer doth not pursue the effect of his warrant, his warrant will not excuse him of that which he hath done, 21.H.7.23.4. See 3.H.7.f.3.b.Bryan.

12. And if the party be imprisoned for default of sureties, and after he that demanded the peace against him happen to dye, or shall release the party, it seemeth in these cases the Iustice of peace may make his *liberate* or warrant for the delivery of such prisoner, for after such death, or release, there seemeth no cause to continue the other in prison, also any Iustice of peace may upon the offer of such prisoner, take surety of him for the peace, &c. and may thereupon deliver him.

13. It seemeth by some opinions, that if the party imprisoned for not finding sureties, hath a suite depending in the common place, he may by the course of that Court by a writ of priviledge be discharged of his imprisonment, if the other party be not ready in the Court at the day of the returne of the writ, to pray sureties of the peace, but if upon the returne of the *habeas corpus* the cause be returned as it ought to be the Court will not discharge him without finding such surety, for he that demandeth the peace is not to have notice of the removing of his body, and then how can he be ready in the Court of common place at the day, and therefore it were a hard case that he should be so defeated of his surety.

14. If the party hath gotten sureties, then if the warrant proceed *ex officio* (and not upon the writ of *supplicavit*) and be a generall warrant, *scil.* to come before me, or some other Iustice, the party may goe before any other Iustice of peace, to offer his surety, yet he shall not inforce the officer to travell to a Iustice out of the division or limit where they be dwelling without good cause; Nay it is at the election of the officer (who is the minister of Iustice) to carry the party attached, to any other Iustice of peace that he will, for it is more reason to give this election to the officer, who in presumption of Law is a person indifferent, and is sworne to execute his office duely, then to give the election to the delinquent himselfe, who by presumption will seeke shifts, and to weary the Officer.

15. If the other Iustice of peace, before whom the party so attached shall come, shall refuse to accept and take such surety being offered to him, this is punishable in the Star Chamber, for such Iustice
of

3.Ed.4.6.
P.R.20.

4.Ed.4.6.
2.H.7.24.
Br. priviledge
35. & 33.
Lambert 96.

Co. 2. 59.
Br. ex imp. 11.
Br. peace, 9.

Superfedeas by
a Iustice of
peace.

Crompt. 145.

Dalton 151.

Ibid.

Ibid.

Dalton 152.

Lamb. 201.

F.N.B. 31. a.
and 338.
Superfedeas
from above.

of peace ought to take of him such sureties, and to binde him by recognisance; but yet that must be done in such sort in all points, as the forme of the former precept doth require, and thereupon the same other Iustice of peace (having so taken suretie for the peace, may and ought upon request, to make his *superfedeas* to all officers, and to all other the Iustices of peace of the same County; and thereby the said party shall be discharged from finding other suretie, and from any other arrest for the same cause, but by such *superfedeas* that other Iustice cannot discharge the first warrant of the first Iustice untill the party be bound indeed, nor can give any other day to the party to appeare at any other Sessions, &c.

16. Also a Iustice of peace of the County by a *Superfedeas* cannot discharge a warrant awarded by his fellow Iustice by force of a *supplicavit* to him directed out of the Chancerie or Kings Bench, to take the suretie of the peace of one resident in that County.

17. Also when a man doth feare that surety of the peace will be demanded against him in the Countrey, or doth heare that such a warrant for the peace is granted already out against him, by a Iustice of peace, it seemeth in either of these cases, he may goe and give suretie of the peace before any other Iustice of peace of the same County where he dwelleth, and thereupon may have a *superfedeas* from that Iustice of peace, &c. but in such case it is fit that such party be urged by such Iustice to put in sufficient sureties, and that he be bound towards the King, and all his people, and to appeare at the next Sessions.

18. If any officer having a warrant from a Iust. of peace to arrest a man to finde surety of the peace, shall receive a *superfedeas* (out of the Chancerie, or Kings Bench, or from any Iustice of the Kings Bench, or from any Iustice of peace of the County) to discharge the same surety of the peace, and yet neverthelesse will urge the party (by force of his warrant) to finde (new) suretie for the peace, the party may refuse to give it, and if he be arrested or imprisoned for such refusall, he may have his action of false imprisonment against such officer, for such *superfedeas* is a discharge of the former precept or warrant.

19. The forme of a *Superfedeas* granted by a Iustice of peace you may see, *postea sit. Warrants and Presidents.*

20. And this *Superfedeas* is sufficient, though it never name the sureties, nor containe the summes wherein they are bound, but yet it is the better forme to expresse them both.

21. If the party shall mislike to be (or stand) bound to the peace, by the Iustice of peace in the Countrey, then may he (either before, or after, that he is bound in the Countrey) goe or send up to *Dublin*, and there give suretie for the peace (either in the Kings Bench, or in the Chancerie) and thereupon the party may have a *Superfedeas* (out of that Court) where he hath given such suretie, to restrain the Iustice

Iustice of Peace of the Countrey from taking any surety of the peace of him, and then the Iustices of peace of the Countrey, after the receipt of such *Superfedeas*, must forbear to make any warrant for the peace against the party, and if any Iustice of peace have granted out any such warrant against the said party, the said Iustice may make his *Superfedeas* to the officers, thereby commanding them to surcease to put his former warrant in execution, and so to discharge it and to discharge the party of any arrest, or imprisonment thereupon.

21. The forme of a *Superfedeas* for the peace out of the Kings Bench, See lib. Intr. 454.

22. For the forme of a *Superfedeas* for the peace, out of the Chancery, See Fitz. Na. Br. 238. e. and Register 89.

23. Note that this *Superfedeas* out of the Chancery may be procured at any time in the vacation, and out of the terme, Fitz. Na. Br. 238. a.

24. If the Iustice of peace shall not surcease, after a *Superfedeas* (out of the Chancery, or Kings Bench) to him delivered, an attachment will lye against him for such contempt, and besides he may be fyned and imprisoned for it.

25. Yea such a *Superfedeas*, coming out of those high Courts to the Iustices of peace, they ought thereupon to surcease, although such a *Superfedeas* should be awarded against Law.

26. If such *Superfedeas* shall be directed to the Iustices of peace and Sheriffe, that Iustice to whose hands it shall be delivered, may keepe it and may deliver the label to the party.

27. And in these and like cases, the Iustice of peace shall doe well to send to the next generall Sessions of the peace, aswell the said *Superfedeas*, if it come to his hands, as also the recognisance which he hath formerly taken of the party, if he had taken any, for peradventure the recognisance was forfeited before the *Superfedeas* was purchased, or if it were not forfeited, yet the consor is not endamaged thereby. Dalton 1536

28. If the party shall procure such *Superfedeas* out of the Chancery, or Kings Bench, after that he is bound by recognisance before the Iustice of peace, to keepe the peace, &c. and to appeare at the next Sessions, he ought to appeare in person and there shew his *Superfedeas*, and pray allowance of it, and thereupon he shall be discharged, but if he faile to appeare his recognisance wil be forfeited notwithstanding his *Superfedeas*. Ibid. Cromp. 159.

29. But if the party were bound (before the Iustice of peace) to keepe the peace against all men during his life, and not to appeare, and shall after procure such a *Superfedeas*, testifying that he hath found such surety in the Chancery, &c. against all men for ever, and shall send this to the Sessions, this shall discharge his bonds without his personall apparance at the Sessions. Dalton 1536

30. A man being arrested by the Sheriffe upon a *capias* found sureties 28. H. 8. Dyer. 10. a. 91

Lib. Int. 459.

sureties for his apparance at the day, and after there came a *Superfedeas* to the Sheriffe, and it was moved whether it were necessary for the defendant to appeare or not, or that this apparance and surety were discharged by the *Superfedeas*, and the opinion of that Court was, that he ought to appeare for the saving of his bond, also the presidents of Entries are, that the party bound did shew his *Superfedeas* in Court and prayed allowance thereof, and was thereupon discharged.

Now concerning the recognisance for the peace. CHAP. 58.

Recognisance.

1. **T**His recognisance which the Iustice taketh for the keeping of the peace, is rather of congruence then by any expresse authority given them, *Fitz. Na. Br. 82. a. 7. H. 7. 34.*

2. And this recognisance for the peace, if the Iustice of peace doth take it, by force of the writ of *supplicavit*, then he ought to execute it, and to doe in all things as the writ directeth him, but where such writ prescribeth not the same, &c. or such like, that resteth in his owne discretion.

3. But if he taketh the recog. *ex officio*, and by force of the Commission (and so is a Iudge, not as a minister) then it resteth in the discretion of the same Iustice of peace wholly to appoint and allow the number of sureties, their sufficiency in lands or goods, the summe of money wherein they shall be bound, and to limit the time how long the party shall be bound, and such other circumstances.

7. H. 4. 34.

4. In the booke 7. H. 4. fo. 34. you shall finde the principall to be bound in 1000 l. and foure sureties, every one of them in one thousand marks before Iustices of peace for the keeping of the peace.

Br. imp. 18.

5. The Iustice of peace may examine upon their oathes the sureties concerning their sufficiency, and that seemeth to be the usage in the Courts at *Westminster*, and Master *Crompton* saith, that the Iustices of peace in their Sessions may doe it. *Crompt. 194.*

Lamb. 104.

6. The most usuall manner, and safest way for the Iustice of peace is to take two sureties at the least (and those subsidie men) besides the party himselfe, and to bind them by recognisance to the King, *viz. domino Regi*, and it must alwayes be for the keeping of the peace.

7. And yet by the opinion of Master *Marrow* (who was in the time of King *H. 7.*) a Iustice of peace might have taken this surety by a gage pawned to him only, but this is not the course at this day, but the security ought to be by recognisance.

8. Also by his opinion a Iustice of peace might have taken this surety by an obligation made to himselfe by the name of a Iustice of peace but this course is not now in use, and the safest way is by recognisance, which is the usuall way, for *via trita* is *via tuta*, and to ground his proceeding upon conceits.

9. Yet if a Iustice of peace had enjoyned a man upon paine of 20 l.

to keepe the peace, this had beene nothing worth; but in this, and the former two cases, and the like, this one general ground or reason may be given for all, *sc.* that a man cannot be bound to the King, but only by matter of record; and therefore such suretie taken by gage or obligation, or such enjoyning of the peace seemeth nothing worth to binde the party: F.N.B.81.d.

10. A Iustice of peace may take a recognisance (and thereby may binde the party) to keepe the peace for one yeare; or for a longer time (by his discretion) yea he may binde the party during his life, upon reasonable cause.

11. If the recognisance be made to keepe the peace (generally) without any day or time limited, it shall be construed to bee during the parties life.

12. A Iustice of peace intending to take a recognisance for the peace, and yet maketh no mention therein, nor in the condition thereof, that it is for the preservation of the peace, it seemeth to bee voide, as being taken *coram non iudice*, for a Iustice of Peace hath no authoritie to take a recognisance generally, but for matters concerning his office specially. Dalton 195.

13. If the Recognisance be, that the party bound shall not beat nor maim A. yet it is not good, because it ought to bee for the keeping of the peace, generally, and the peace may bee broken by burning the house of A. or the like. Ibid.

14. If the Recognisance doe not limit any time of apparance, but be generally to keepe the peace, yet it is good, for the time of apparance is referred to the discretion of the Iustice, and the chiefe scope is, the keeping of the peace by Master *Marrow*.

15. Also, by his opinion, if the Recognisance doe limit a time of apparance, but therein is no person named, before whom the party so found shall appeare, then may he appeare where he will, before that Iustice of peace which tooke the recognisance, *ibidem*. but in that case I thinke the Condition is voide by reason of the incertainty.

16. But in the two last cases, if a recognisance should be taken in such maner at this day, I should thinke it safe for the party to appeare at the next Sessions for the peace, and there to record his apparance, but to avoide these doubts, let the Iustice of peace expresse that the party shall appeare before his Majesties Iustices of peace at the next generall Sessions of the peace to be holden in that County, or at the next generall Assise and gaole delivery before his Majesties Iustices of gaole delivery in that County, and in so doing these scruples are avoyded.

17. If the Recognisance be to appeare at any other Sessions after (and not at the next Sessions) yet the Recognisance is good, and yet by the statute of 3. H. 7. cap. 1. It is enacted that every Recognisance taken for the peace, by the Iustice of peace *ex officio* shall bee certified (*sc.* sent or brought in) at the next Sessions of the peace, Crom. 147.
P. Ind. 106.

and there delivered to the *Custos Rotulorum*, or else the Iustice of peace is fineable, but it doth not therefore follow that every Recognisance taken for the peace ought to be to appeare at the next Sessions, but that it ought to be brought in, and then the party may be called at the time expressed in the Recognisance and not before.

Dalton 155.

18. If the Recognisance be in Twenty pounds to be levied of his lands only, or of his goods only, yet it is good, and these words (only may seeme voide) for the acknowledgement of the Recognisance (before a competent Iudge) both maketh it a debt, and implieth the ordinary meanes of Law to come to it.

19. If the Recognisance be to keep the peace towards the King, and all his people, but not towards any person certaine, yet it is good.

F.N.B. 80.g.
Crompton 141.

20. So if the Recognisance be to keepe the peace towards A. only; it is good, or to keepe the peace towards A. and his servants, without being bound toward the King, and all his Subjects, it is good enough.

21. But the best forme is to bind the party to keepe the peace towards the King and all his people, for first the words of the Commission are to finde suretie, *erga nos & populum nostrum*, and againe, the common usage is so, and besides it may prove dangerous to the party who hath cause to crave this surety of the peace, for the other party who shall give just cause to crave this surety against him (because he will not be bound to the peace towards him that prayeth it) he will perhaps pray to bind himselfe to the peace to A. who is his Companion, and then if the Iustice of peace shall so bind him, then may he and A. goe to another Iustice of peace (and that peradventure within one weeke) and there A. may release him of the peace, and so the party that first prayed the peace, trusting that hee is still bound, may be after beaten, maimed, or slaine by him or by his procurement.

22. So then though the Recognisance being taken in any maner or sort aforesaid may prove sufficient to bind the party to the King, yet peradventure it will not excuse the Iustice of peace from blame, and therefore it is safest for the Iustice of peace to follow the received forme.

23. The forme of the Recognisance for the Peace you shall see *postea tit. Warrants and Presidents.*

24. The Recognisance for the peace being thus taken, if it were by a writ of *supplicavit*, the Iustice ought to returne the writ, and to certifie, under his Seale, his doing therein into the Court from whence the *supplicavit* proceeded, and he may also send such Recognisance, so taken by him, with this certificate, or else he may keepe the Recognisance in his hands still, untill he shall receive a *Certiorari* out of the Chancerie directed to him for removing of this Recognisance.

25. Bu

25. But if this recognisance for the peace were taken by the Iustice of peace *ex officio*, then the Iustice of peace ought to certifie (send or bring) the Recognisance to the next Sessions of the peace, so that the party bound may be called thereupon, and that if the party make default of apparance, the same default may be then recorded, and the recog. with the record of such default shall be estreated into the Exchequer, that from thence processe may goe out against the party, and so ought it to be, if it be presented that the party hath forfeited his recognisance, by breach of the peace. 3. H. 7. ca. 1.
P. lust. 106.

26. If the Iustice of peace shall not certifie such recog. at the next Sessions by the said stat. 3. H. 7. ca. 1. he is to be fined at the discretion of the Court, and yet see *Brooke tit. Peace 11.* that the Iustice shall forfeit 10. l. if hee shall not certifie the Recog. of the peace at the next Sessions, but *Brooke* there mentioneth the stat. 3. H. 7. ca. 3. which stat. of 3. H. 7. ca. 3. was only for bailement of prisoners and certifying the same, and not for Bonds of the peace. 3. H. 7. ca. 1.
Recog. forf.

27. If he which demanded the peace shall release the peace before the next Sessions, yet the Iustice of peace ought to certifie the Recog. together with the Release, for peradventure it was forfeited before the Release made. Cromp. 169.

28. Also he that demandeth this suretie may by a *Certiorari* remove such Recog. into the Chancerie before the Iustice hath certified the same to the Sessions, and then the Iustice shall be excused for not certifying the same to the Sessions. 2. H. 7. 1. Br. p. 11.
Fit. N. B. 8. 1.
Recognisance removed.

29. If the Iustice of peace were deceived in the sufficiency of the sureties, the same Iustice of peace or any other Iustice of peace may afterwards compell the party to finde and put in more sufficient surety, and may take a new Recog. for the same, for that the precept is *ad inveniendum sufficientem securitatem*, but if the sureties dye, the party principall shall not be compelled to find new sureties. Dalton 157.

*What thing shall discharge this Recognisance (of the peace)
or the party of his apparance at the Sessions.*

CHAP. 59.

1. **A** *Superedeas* out of the Chancerie, &c. will not discharge the party of his apparance, but he ought to appeare and shew the *Superedeas* in Court, and thereupon he shall be discharged, as is before declared in this Title.

2. He that is bound to the peace, and to appeare at a certaine day, he must appeare at the day, and record his apparance, although he who craved the peace commeth not in to desire that it may be continued, otherwise the recog. shall be forfeited. 30. H. 6. 26.
Br. Surety 101.

3. And if a man be bound to keepe the peace towards the King, and all his people, but not towards any certaine person, and to appeare

peare at such a Sessions, the Court at that Sessions may make Proclamation, &c. and if no person cometh to demand the peace against him, then the Court may discharge him, but if a man be bound as aforesaid, and especially to keepe the peace towards A. there though A. cometh not in, to desire that the peace may be continued, yet the Court by their discretion shall doe well to bind him over till the next Sessions, and that may be, to keepe the peace against A. onely if they shall thinke good, for it may be that A. who first craved the peace is sicke, or otherwise letted, so as he cannot come to that Sessions, to demand the continuance of the peace.

4. If the Iustice of peace shall not certifie the recog. to the Sessions, yet the party ought to appeare, and to record his apparance, for if a Sheriffe arrest one upon a *capias*, and take bonds for his apparance, at the day the writ is returneable, and the Sheriffe returns not his writ, &c. yet the party must appeare to save his bond 18. Ed. 4. 18.

Cromp. 134.

5. If the party that is bound to appeare be so sicke as that he cannot appeare, nor by any meanes travell at the day, upon due prooffe of such his sicknesse, the Iustices of peace shall forbear to certifie or record such default, for *impotentia* in this and such like cases by the hand of God *excusat legem*.

Cromp. 144.

6. If the husband be bound that he and his wife shall appeare at such a Sessions, and that they shall keepe the peace in the meane time, &c. and at the day the husband doth appeare, but not his wife, here Master Cromp. saith the recog. is not forfeited, for if there shall be cause to continue the peace against the husband and wife still, the husband shall be bound and not the wife, and therefore the wives personall apparance seemeth not greatly materiall.

11. Ed. 4. 40.

7. If a man be bound to the peace during his life, or generally without any time or day limited, it seemeth that neither the King the Iustice of peace nor the party can discharge this recog. during the life of the party so bound, by release or otherwise. Br. peace 17.

8. The Iustice of peace who upon his owne discretion hath compelled him to finde sureties of the peace untill a certaine day, and hath taken recog. for his appearing, &c. may upon the like discretion release the same before the day, and such a release will discharge the recog. taken by that Iustice if it were not forfeited before, but yet the Iustice of peace ought to certifie the Recognisance together with his release, and this certificate will discharge the apparance of the party.

9. If a Iustice of peace shall grant the peace at the request of another (*scil.* at the suite of A.) and the recognisance be taken to keepe the peace against B. only, then before the next Sessions may B. only release it, and none other, and that release being certified with the recognisance at the next quarter Sessions, will discharge the party so bound of his apparance, so as he shall not be called upon his recog. for that release being so certified, is now become of record aswell as the recognisance.

10. If

10. If the Recog. were to keepe the peace *versus cunctum populum*, & *precipue versus A.* yet may the same *A.* release it, for although this may seeme popular, and that all others should have interest therein as well as *A.* yet it appeareth by the word *precipue* that it was especially taken for his safety, but the contrary was holden by all the Iustices 21. Ed. 4. 40. saith Master Lambert, nevertheless the usage now is and long hath beene that *A.* may release the peace, but having perused the booke in 21. Ed. 4. fo. 40. I find the word *precipue* is not there, but it is toward *A.* & *cunctum populum*; So as that opinion may be Law, and yet not contrary to the common usage, for the word *precipue* doth appropriate the recognisance to be chiefly for the safety of him that prayeth the peace.

Br. peace 17.

11. But (in those former cases) although this surety of the peace be released, yet the recog. shall not be cancelled by the Iustice of peace, for peradventure the recog. was forfeited before such release was made, and therefore the Iustice of peace shall doe best to certifie such recog. with the release together to the next quarter Sessions.

12. The forme of the release of the Iustice of peace, and the forme of the release of the party you may see *postea* in the title of *Warrants & Presidents*.

13. Note that the party that first demanded the peace, may release the same, either before the same Iustice of peace that tooke the recog. or before any other Iustice of peace.

14. Note also that to release such surety of the peace by deed under his hand and seale is nothing worth, but it must be by acknowledgement before a Iustice of peace.

15. Note also that the King cannot release or pardon the surety of the peace nor such recog. taken in the behalfe of any of his subjects, untill it be forfeited, for the mischief that may come to the party thereby, but being forfeited, then the King and none other may release and pardon the forfeiture.

16. But the death or resignation of the King dischargeth this surety of the peace taken by his subject, for the recog. is to keepe the peace of the King then being, and when he is dead, &c. it is not his Peace.

1. H. 7. 10.
Br. peace 15.
Br. Cor. 21.

17. Also the death of the Recognisor (*scil.* the party principall that is bound) dischargeth this surety of the peace, and the recog. if it were not forfeited before his death.

18. Also the death of the party, at whose suit the peace was taken, dischargeth the recog. if it were to keep the peace against him alone, if it were not forfeited before his death.

19. But yet in these three former cases, such death should not discharge the recog. if it were forfeited before, and therefore it shall be best for the Iustice of peace to send to the next Sessions such recog. (notwithstanding such death) else the King may be defrauded of a forfeiture if any were before.

20. The

21. Ed. 4. 40.
Br. peace 17.

20. The death of the sureties shall not discharge the recog. neither shall the party principall be compelled to finde new sureties after their death, for if the peace be broken after their deaths, their executors shall be charged therewith, and so there is no mischief by their deaths, if they were sufficient, but if the sureties were insufficient then the principall shall be compelled to finde new sureties.

21. Ed. 4. 40.
10. H. 7. 116
Br. Recog. 21.

21. If the King and the Recognisor be at issue upon the breach of the peace, and the King waives the issue, yet is not this recog. discharged but remaineth in force, and may be sued againe upon a new breach of the peace afterwards.

What Act shall be (or makes) a forfeiture of the Recognisance taken for the peace. CHAP. 60.

1. **W**Hatsoever Act is an expresse breach of the peace, the same is a forfeiture of this recognisance.

18. Ed. 4. 28.
Br. peace 16.

2. And first this breach of the peace may be committed by using any fearefull or threatning speeches to another, therefore all menacing or threatning to kill, or beat another, to his face, is a forfeiture of this recog. otherwise if the party so threatned be absent, and yet if the party so bound shall threaten to kill or beat A. who is absent, and after shall lye in wait for him to kill or beat him, this is a forfeiture of his recognisance.

Dalton 160.

3. So also to strike at, or offer to strike at a man, although he never hurt nor hit him, is a forfeiture of his Recognisance.

Ibid.

4. Much more all affrayes, or violent or malicious batteries, strikings, beatings, woundings, or other misintreating of the person of another are forfeitures of this Recognisance.

Ibid.

5. The difference of these three, viz. menacing, assaulting and beating, are these, viz. menacing beginneth the breach of the peace, assaulting encreaseth it, and battery accomplisheth it.

6. If he that is bound doe but command or procure another to breake the peace, and that it be indeed done, this is a forfeiture of this Recog. Br. Peace 20.

7. All imprisonment or arresting of another without warrant, is a forfeiture of this Recognisance.

8. So to thrust another into the water, whereby hee is in danger of drowning.

9. So to ravish a woman against her will.

10. So to commit any Burglary, robbery, murder, or manslaughter, all which are to the person of another, or to procure the same, all, and every of these are forfeitures of this recog.

11. So to commit any Treason against the person of the King.

Marrow l. 2. 7.
2. H. 7. 2. b.

12. Note that the Act which must make a forfeiture of a recog. for the peace, must be done or intended to the person of another (by the opinion

opinion of Master Marrow.) And the booke 2. H. 7. importeth as much, saying, that this surety of the peace is not broken without an affray, fighting, beating, or the like.

13. Also to be riotously assembled, is a breach of the peace and a ^{Marrow.} forfeiture of this recog. nay if two Iustices of peace shall record a riot upon their view (against a man so bound to the peace) although it were no riot, &c. yet hee cannot plead not guilty in a *scire facias* upon his Recognisance.

14. Also to weare armour, or weapons not usually worne, or to goe with an unusuall number of attendants, seeme also to be a breach or meanes of a breach of the peace, and a forfeiture of this recog. for the peace, for these stricke a feare and terrour in the people, and be in *effray del pais*, See *Br. Suretie* 12.

15. He that is bound to the peace ought to carry himselfe well in his behaviour and company, yet the having of weapons or company unusuall are in some cases allowed, and lawfull, and are no breach of the peace, as in executing of any legall authority by magistrates or by any other of the Kings officers or ministers of Iustice.

16. Also though assaults and batteries be for the most part contrary to the peace of the Realme, and the Lawes of the same, yet some are allowed to have a naturall, and some a civill power (or authority, over others) so that they may (in reasonable and moderate manner onely) correct and chastice them for their offences without any imputation of breach of the peace, yea they may by the Law justifie the same. Batterie
Iustificable

17. And therefore the parent, with moderation may chastice the child within age.

18. So may the master his servant, or apprentice.

19. So may the schoolemaster his schollers.

20. So may the Gaoler, or his servant by his commandement, his unruly prisoners.

21. So may any man his kinsman that is madd, &c. and none of these shall be in perill therefore to forfeit any recog. of the peace.

22. And where the servant shall be negligent in his service or shall refuse to doe his worke, &c. there the master may chastice his servant for such negligence or refusall, so as he doth not it outragiously.

23. But if the servant shall depart out of his masters service, and the master happen after to lay his hands on him, yet the master in this case may not beate, or forceibly compell his said servant against his will to returne or tarry with him, or doe his service, but either he must complaine to the Iustices of peace, for his servants departure, or he may have an Action upon the statute of Labourers against his servant if being required to doe his service he shall refuse it, See *antea tit. Labourers*. 38. H. 6. 358
5. El. 4. P.
Labourers.

24. And as the Master without the breach of the peace, cannot

21. Ed. 4. 6. li.
Intr. b. 13.

by beating or force compell his servant to serve against his will, no more can a Lord, or guardian in Chivalry compell his Ward, by beating, or by force to come unto him or to tarry with him against his will.

22. Ed. 4. 45.
22. A. ff. p. 5. 6.

25. Also the schoolemaster may chastice his scholler with a rod, which is carelesse and negligent of his learning, or that shall abuse his schoolefellowes, or for other the like occasions.

26. Also it is lawfull for the parents, kinsmen, or other friends of a man that is madd or franticke (who being at liberty attempteth to burne a house, or to doe some other mischief, or to hurt himselfe or others) to take and put him into an house, to bind or chaine him, and to beate him with rods, and to doe any forceible Act to reclaime him or to keepe him so as he shall doe no hurt.

An officer.
Li. intr. 612.
Stam. 13. 14.
21 H. 7. 39.

27. Also if a Constable, Sergeant, Bailiffe, or other officer of Iustice, or any other being of their company, for the better executing of their office, shall be forced to strike any one that will not yeild to their arrest, or that shall resist, or flie from their arrest, they shall not be in danger to forfeit any recog. of the peace by any such assault, or striking, but may well justifie such Act.

Li. intr. 611.
16. Ed. 4. 11.
12. Ed. 4. 6.

28. Also it is no breach of the peace, for any private man to beat, strike, or wound another, in defence or safeguard of his owne person from killing, wounding, or beating, but is a thing justifieable, and yet it seemeth if another shall assault me, if I may escape with my life, or without being wounded, maimed, or hurt, it is not lawfull for me to hurt or wound the other, who first made the assault, but I must first flie, or goe from him as farre as I can. 25. Ed. 3. 42. 2. H. 4. 8. 33. H. 6. 18. Br. trans. 28. 71. Crompt. 137.

29. If two or more doe agree together to play at Barriers, Backsword, Bucklers, Football, or the like, and one of them doth wound or hurt the other, the party hurt shall have no Action of Trespasse against the other, for that it was by consent, and to try their valour, and not to breake the peace, Fitz. Barr. 244.

30. Yet if such a man were before bound to the peace, such Act seemeth to be a forfeiture of his recog. See Br. Coron. 229. for although such sports be suffred, yet they are not lawfull.

In defence of
others.

31. Also it is no breach of the peace for a man to beat him that doth assault, and would beat, wound, or evill intreate his wife, father, mother, master, but is justifieable.

32. So if the wife shall beat him that assaulteth, and would beat or evill intreate her husband, this is justifieable.

33. So if the father, or mother, shall beat him that assaulteth, and would beat or evill intreat their childe being then within age and not able to defend it selfe.

34. But though the servant may lawfully beat him that doth assault, and would beat, or evill intreate his master or mistrisse, yet the servant cannot justifie the beating of another in defence of the father, mother,

mother, brother, sister, sonne, or daughter of his master or mistrisse, for he oweth no obedience to any of them.

35. By some opinions the master cannot justifie the beating of him that doth assault, and would beat his servant, but the master with a sword, staffe, or other weapon may defend his servant assaulted from being beaten, in respect of the losse of his service, yet Master *Lambert* and Master *Crompton* are of opinion, that the master may beat another in defence of his servant, which seemeth to be the better opinion, by reason of the losse which the Master shall sustaine by the wounding of his servant. Pr. 5. f. Justific. 3.
Crompt. 136.

36. But the farmour or tenant cannot justifie such an Act in defence of his landlord, nor a Citizen, &c. in defence of the Maior, (or Bailiffes) of the Citty, or Towne corporate where he dwelleth, unlessse it be in the legall execution of their offices. Lamb. 132.

37. Also the Law doth tollerate a man to beate another for the preservation of his goods, and therefore he that shall attempt by force, and violence, to take away my goods wrongfully from me, whether they bee goods whereof I have a lawfull property, or such goods whereof I have only a possession by the bailement of another, I may justifie to defend the same by force, and if I shall beat or hurt such person, it is no breach of my recog. for the peace, but if I kill him, it is felony, and then a breach of the recog. 9. Ed. 4. 28.
19. H. 6. 11. 61.
Li. intr. 611.
In defence of my goods.

38. The same Law is in every case, where another shall attempt by force and violence to take away my land, freehold, copihold, or lease, or to stop and turne my lawfull high way, or my ancient river, or water course leading to my mill, in these and like cases, if I shall disturbe him therein, whereupon he doth assault and attempt to beat me, I may justifie to beat him againe aswell in defence of my person, as of my possessions, but not to kill him. 10. Ed. 4. 6.
3. H. 4. 9.
11. H. 6. 33.

39. The same Law is also in every case, where any offendour is by order of Law punished by whipping, stocks, pillory, or otherwise for any offence by him committed contrary to the Lawes or statutes of this Realme, there is no peace broken nor any recog. of the peace forfeited, by him or them which shall lawfully execute any such punishments.

40. Note further that there are diverse offences for which an indictment *contrapacem*, will lye, and yet the committing of such offence shall be no forfeiture of the recog. for the peace, for that the Act that shall breed a forfeiture of such a recog. must be done or intended unto the person, as afore said, or *in terrorem populi*.

41. Therefore to enter into the lands, where he ought to bring his Action or to disseise another of his lands, or to enter into lands or tenements with force being without offer of violence to any mans person and without publique terrour. *Crompt. 136.* or to doe a trespassse in another mans corne or grasse, or to take away another mans Ward, to take away another mans goods wrongfully, so it be not from his person, Dalton 163.
& 164.

person, or to steale another mans horse, or other goods feloniously being not from his person, these will make no breach of this recog.

4 H. 7. 8.

42. Note that if a man be bound in such a recog. for himselfe and his servants, if any one of them breake the peace, the whole recog. is forfeited, *Et sic in similibus*.

43. Note also that the sureties may plead, that the party principall hath not broken the peace, although upon issue the same shall be found against the said principall, for they are estrangers thereto, *Fitz. averment 46.*

Concerning the writ of supplicavit. CHAP. 61.

1. **T**He formes of this writ out of the Chancery are of diverse sorts, as you may see, *Fitz. Na. Br. 80. d.*

2. By which formes of the writ, it appeareth, that it may be directed to the Iustices of peace, or to one of them, or to the Sheriffe, or to every of them, to cause the party that is to be bound, to come before him, or them, to finde surety of the peace, and this writ may be that the principall shall be bound in such a summe, and the sureties in such a summe certaine, (and also it may be in what certaine summes the demandant will) or the summes may by the writ be referred to the Iustice of peace, &c. with this clause therein contained, *pro qua respondere volueris*, and the said writ is further, that if the party shall refuse, &c. that they shall commit him to the gaole, *quousque*, &c. and that when they have taken such surety, they doe certifie the recog. (which they have so taken) under their seales, and returne the writ into the Court whence the same was awarded, and that without delay.

3. And for that this writ is of diverse formes, the Iustice of peace must have a care that he doe execute the same in every behalfe as the same writ shall direct him.

4. When the writ doth referre the summe, wherein the principall and his sureties shall be bound, to the Iustice, &c. then it resteth in their discretion, but yet it is then safe for them to take good sureties, and to bind them in good summes, and the rather when that clause is in the writ, *pro qua respondere volueris*.

21. H. 7. 30.
Br. peacc 9.

5. When this writ is directed to the Sheriffe, and to all the Iustices, and is delivered to any one of them, he onely to whom it is first delivered, ought to execute the same writ (in every behalfe) *scil.* he only shall make a warrant, &c. returneable before himselfe, and shall take sureties, and make returne thereof (only) without any other.

6. The forme of a warrant for the peace, upon a *supplicavit* you may see, *postea tit. Warrants and Presidents.*

7. Also the same Iustice of peace after such surety taken, may make the party a *superfedeas* to discharge him from any other arrest,
or

or to deliver him being in prison, for the peace, (at any other mans suit as it seemeth) *Crompt. 237. b.*

8. The forme of the *superfedeas* you may see after tit. of *Warrants and Presidents.*

9. The party who is attached upon this writ of *supplicavit*, cannot goe to be bound before any other Iustice of peace but only before him, from whom the warrant proceedeth upon this writ, neither can another Iustice of peace by a *superfedeas* discharge such a warrant made by his fellow Iustice by force of this writ.

21. H. 7.
Br. peace 9.

10. The Iustice, or Sheriffe, to whom this writ shall be delivered may make a Deputy therein, *scil.* may make a warrant to the Constable, or other person indifferent, to apprehend the body or cause the party to come before him (the said Iustice or Sheriffe) to finde sureties, &c. and that if he shall refuse, that then the Constable, &c. shall carry him to prison, thereto remaine untill he shall finde sureties, and yet the writ of *supplicavit* is to commit the party to the gaole if he shall refuse before the Iustices (*si coram vobis, vel te recusaverit*) but the Iustice or Sheriffe cannot give their power to another to take this surety, for that is a judiciall power, which cannot be assigned over, neither can they make any Deputy therein, but they must take this surety themselves. *Br. office 30.*

9. Ed. 4. 35. f.
Ex. Imp. 4.

11. If the party shall make resistance upon the execution of this writ, it seemeth the officer may take *posse comitatus* to aid him to arrest such party.

12. He that is to be bound to the peace by force of this writ of *supplicavit* out of the Chancery, is to bee bound against him only, that sueth out the writ, as appeareth by the forme of the writ aforesaid. *F. N. B. 30. d.*

13. But yet at this day it is used otherwise, and Master Dalton saith that he once received out of the Chancery a speciall writ of *supplicavit*, directed *custodibus pacis, ac vic. & eorum cuilibet*, commanding them to take sureties of the peace to be bound, *quod ipse damnum vel malum aliquod alicui de populo nostro & precipue eidem loh. &c.* (that sued out the writ) *non fac. nec fieri procurabit, &c.* *Dalton p. 165.*

14. Also by this writ of *supplicavit* the party (against whom the writ is sued forth) shall be bound to the peace forever (if he be taken) for the writ containeth or mentioneth not that he shall be bound to keepe the peace untill any certaine time but generally (*ad sufficientem securitatem inveniend. sub pœna, &c.*) and therefore to prevent this the party (before he be attached) may come into the Chancery, and there finde sureties, and be bound untill a certaine day that he shall doe no hurt unto the party that sued forth the *supplicavit*, and thereupon he shall have a *superfedeas* out of the Chancery directed to the Iustices of peace and to the Sheriffe, commanding them to surcease to arrest the said party, or to compell him to finde any sureties, &c. and that if they have arrested him for this cause, and none other, that then they deliver him, &c. *Fitz. 81. a.*

15. And

F.N.B.31.2.
Crompt. 144.

15. And if the party against whom this writ is sued forth cannot travell (or else will not travell) to bind himselfe in the Chancery, then he may cause some of his friends to be bound for him, or to finde sureties in the Chancery for him according to the *supplicavit*, and thereupon they may purchase for him a *supersedeas* directed to the Iustices of peace, and to the Sheriffe, and by this *supersedeas* the Iustice and Sheriffe shall be commanded to take also surety of the party himselfe in the County (according to the writ of *supplicavit*) that he shall keepe the peace, &c.

16. Also if the party happen to be arrested and imprisoned upon this writ, yet if he can procure a *supersedeas* out of the Chancery it seemeth (by the words in the end of the *supersedeas*) that this will discharge him of the arrest, or imprisonment.

17. Note after the party is arrested and imprisoned, (upon this writ) the meanes for him to procure a *supersedeas* out of the Chancery, must be.

18. Either to get some of his friends to be bound in the Chancery for him and they to get a *supersedeas*, *ut supra*.

19. Or else to get a certificate to the Lord Chancellor, from 3. or 4. Iustices of peace in his behalfe.

F.N.B.72.h.

20. This writ of *supplicavit* is granted, or to be granted in the Chancery or Kings Bench, upon great cause shewed and proved there, and is (or ought) to be granted upon oath, that the party is in feare, &c. of some bodily hurt, &c.

Co. 2. 37.

21. And it is to be wished, that in the granting thereof, great care be taken, for oftentimes this writ of *supplicavit* is procured and gotten out rather of malice and for vexation, then upon any needfull and just cause, and Sir *Edward Coke* speaking of such as maliciously shall purchase out any such speciall *supplicavit* or *latitat* of the peace, (and that by fraud and malice to inforce the other party *ad redemendam vexationem*, to give them money or to yeild the other composition) brandeth them as Barreters, and notable oppressors of their neighbours, oppressing the poore and innocent, by colour and countenance of Law, which was ordeined to protect the innocent from all oppression and wrong, neither is this a wrong only to the party thus maliciously vexed, but also to all the Iustices of peace resident in that County, taxing them (*tacite*) as though the demandant could not have Iustice at their hands in such a case, whereas perhaps the demandant never demanded the same at any of their hands, and besides the Iustices of peace having, in all likelihood, knowledge of each party and of their behaviours, or any one of them, might and would no doubt, yea and ought to have yeilded the demandant upon request and just cause shewed to them, as sufficient and good surety in the Countrey every way, (as I conceive it) for his safety, as namely, as many and able sureties, and better knowne, and to have beene bound in as great summes, and for as long time, if the case should require, so

as

See more before in this title.

as what should move them to seeke (with more trouble, charge, and delay to themselves) that security above, which they may have (more speedily, and with lesse charge and trouble) at home, I see not but onely, or chiefly the vexing and oppressing of their neighbours afore said, and for that this manner of oppressing beginneth to grow over common; therefore I thought it not amisse here to observe what remedy the Iustices of peace in the Countrey by some opinions, may by their discretion yeild to their innocent neighbours, against whom for vexation onely, such a writ shall be maliciously procured, *scilicet*.

22. Where one hath procured a *supplicavit* out of the Chancery or Kings Bench against another, if he hath not before demanded this surety of the peace at the hands of some Iustice of peace in the Countrey, or that the party against whom he hath procured the *supplicavit*, be one of such condition and sort as that in likelihood the Iustices of peace in the Countrey, will not deny to grant such surety against him, then if three or foure of the next Iustices of peace in the Countrey, shall certifie to the Lord Chancellor (if the *supplicavit* proceeded out of the Chancery) that the party plainetiffe never demanded the peace in the Countrey, and further that the plainetiffe is a contentious man, and the other party of good fame, upon such certificate (as is said) they will discharge the party or grant a *super sedes*.

23. Note to conclude this businesse, if the surety of the peace be taken by vertue of a *supplicavit*, then must the Iustice of peace make returne of the writ, and certificate of his doings under his seale into the Court from whence the *supplicavit* did proceed, which may be done in this manner.

24. First let him write upon the backe of the *supplicavit* thus.

25. *Executio istius brevis, patet in quadam scedula huic brevi annexat.* The returne of the supp.

26. Then may the certificate or scedule be thus, and be filed to the backe of the writ.

27. *Ego I. S. Miles unus custodum pacis domini Regis in comitatu Dublin certifico in Cancellarium dicti domini regis me virtute istius brevis (mihi per A. B. in eodem brevi nominatum, primo deliberat) personaliter coram me (tali die & loco) venire fecisse. F. R. in dicto brevi nominatum, ac eundem F. ad sufficientem securitatem, & manucaptore pacis invenendum secundum formam dicti brevis, viz, &c. (as the writ shall appoint) compulisse, In cujus rei testimonium huic presenti certificationi mea sigillum meum apposui, datum apud D. predictum, in comitatu predicto 16. die Ianuarij anno Regni domini nostri Caroli dei gratia regis, &c.* The certificate.

28. The Iustice of peace may also therewith send the recog. if he will, or may keepe and stay the recog. untill a *Certiorari* come to him for it. The returne of the Certiorari.

29. And if a *Certiorari* be directed out of the Chancery to the Iustice of peace for removing of this recog. because it was not sent up together And of the Recognisance.

together with the certificate (as there was no necessity that it should) then that writ may be also answered in this manner, *videlicet*.

Lib. intr. 4533

30. Write upon the backe of the *Certiorari* thus, *Virtute istius brevis ego I. S. Miles unus custodum pacis domini regis in Comit. Dublin tenorem securitatis pacis, unde infra fit mentio dicto domino Regi in Cancellar. suam sub Sigillo meo distincte & aperte mitto, prout patet in scedula huic brevi consuta.*

The schedule
or certificate.

31. And then write the recog. *verbatim*, in this manner hereunder following, and thereto set your seale.

32. *Memorandum quod 16. die Ianuarij, &c.* (reciting the whole recog. to the end) *In cuius rei testimonium ego praedictus I. S. sigillum meum apposui datum, &c.*

33. And file this scedule, or note of the recog. to the backe of the *Certiorari*.

34. The forme of the *Certiorari* you may see, *Fitz. N. B. 81. c. vide postea tit. Warrants and Presidents.*

F. N. B. 81. c.

35. Also the like forme of the certificate may serve where a *Certiorari* is brought to a Iustice of peace to remove a recog. of the peace taken by him *ex officio*, without any writ of *supplicavit*.

F. N. B. 81. b.

36. And if the Iustice of peace shall not returne the *supplicavit*, nor certificate of his doings therein, untill a *Certiorari* come to him for it, it is no danger to him.

37. Also if the *supplicavit* be against diverse, and the demandant will release his prayer of the peace against one of them, then that release ought to be certified for him, and the writ must be served and executed for the rest, or else *non est inventus*, may be certified for him, and the writ executed for the rest.

Br. peace 113

2. H. 7. 2. b.

38. By the booke in 36. *Affisarnum placito 14.* It appeareth that a man may be compelled to finde sureties both for the good behaviour, and for the peace, and yet it seemeth that the good behaviour includeth the peace and that he that is bound to the good behaviour, is therein also bound to the peace, see the usuall formes of both recog.

Suretie for the good behaviour. CHAP. 62.

P. Iustice 18.

1. **T**His surety for the good behaviour, or good abearing is granted by the Iustice of peace as well by authority of the Commission of the peace, that is to say, by the first *Affign.* as also by force of the statute of 34. *Ed. 3. c. 1.*

2. And this surety for the good behaviour is of great affinity with that of the peace, and is provided and ordeined chiefly for the preservation of the peace (as that other is) as you may observe out of the usuall formes of the recog. yea by some opinions it differeth in litle or nothing from that of the peace, but that there is more difficulty in the performance thereof, and the party so bound, may sooner fall

fall into the danger of it then of his recog. for the peace, for say they ^{P.R. 18.} the recognisance for the peace is not broken without an affray committed, battery, assaulting, imprisoning or extremity of menacing, ^{2.H. 7. 2.} whereas the good abearing may be broken, and the parties recog. forfeited, without any of these, as namely.

3. By the extraordinary number of the people attending upon the party bound.

4. Or by his wearing of harnesse, or other weapons, more then usually he hath done, or more then be meet for his degree.

5. Or by using words or threatnings tending or inciting to the ^{P.R. 22.} breach of the peace.

6. Or by doing any other thing which shall tend to the breach of the peace, or to put the people in dread or feare, although there be no actuall breach of the peace.

7. Yet note these foure last matters, as they are breaches of the good abearing, so are they causes also to bind a man to the peace, and a forfeiture of the recog. for the peace.

8. The booke ^{2.H. 7. fo. 2.} concludeth, that the Iust. were not all certainly advised how those words, *de se bene gerendo*, should be taken, *M. Bro.* abridging thereof tit. *Suretie* 12. saith, that it was holden that he who is bound to the peace ought to demean himselfe well in his part (*sc.* behaviour) and company, and not doing any thing that may be the cause of the breach of the peace, or to put the people in feare or trouble, yet the booke seemeth to meane this of the good behaviour.

9. But though this extraordinary number of attendants, and wearing of harnesse, &c. are breaches aswell of the peace as of the good behaviour, yet it may seeme that this for the good behaviour, doth include the peace, and besides importeth some greater or other matters of misbehaviour, and for which the surety of the peace is not to be granted (although they also are against the peace, and quiet and good government of the land) and you shall finde that this surety of the good behaviour is grantable in other diverse cases, in which the surety of the peace is not grantable.

10. This surety of the good behaviour is to be granted at the suit of diverse, and those being men of credit, and to provide for the safety of many, whereas the surety of the peace is usually granted at the request of one, and for the preservation of the peace chiefly towards one.

11. Also this surety of good abearing, is most commonly granted, either in open Sessions of the peace, or out of the Sessions, by two or three Iustices of peace, whereas that of the peace is usually granted by one Iustice of peace, and out of Sessions.

12. And yet by the words of the Commission, as also by the opi- ^{14.H. 7. 3. 2.} nion of the learned, any one Iustice of peace alone, and out of the Sessions, may grant this surety of the good abearing, and that either

by his owne discretion, or upon the complaint of others, as they may that of the peace.

13. But this is not usuall, unlesse it be to prevent some great and sudden danger, especially against a man that is of any good estate, carriage or report.

14. Also this surety may be granted at the suit of one person.

15. But the more difficult and dangerous this surety is to the party bound, the more regard there ought to be taken in the granting of it, and therefore it shall be good discretion in the Iustices of peace, that they doe not command or grant it, but either upon sufficient cause seene to themselves, or upon the suit and complaint of diverse others, as aforesaid, and the same very honest and credible persons.

Supplicavit.

16. Also this surety of good abearing, is often taken by the Iustice of peace by vertue of a speciall writ in nature of a *supplicavit*, directed out of the Chancery or Kings Bench, and then the Iustice of peace upon such a writ, is to proceed as a minister, as in case for the *P. mutatis mutandis, vide antet. Suretie for the peace and supplicavit.*

Dalton p. 170.

17. Master Dalton affirmeth that he once received out of the Chancery, such a writ directed *custodibus pacis in comit. Cantabrigia, ac vicecomiti ejusdem comit. & eorum cuilibet* (and grounded upon the statute of 34. Ed. 3.) commanding them and every of them to take foure sureties (besides the party) whereof every one of them should have lands of such a yearely value, or goods of such a value, and to bind the sureties every of them in such a summe, *quod ipse boni gestus de cetero erit, erga nos & cunctum populum nostrum, & quod nihil in contrarium statuti predicti attemptabit, &c.* and therein he proceeded as a minister onely.

18. The party against whom such a *supplicavit* for the good behaviour shall be granted out, before he be attached thereupon, may goe, or send up, and give sureties in the Chancery as here before is said for the peace, and thereupon he shall have a *superseas* out of that Court directed to the Iustices of peace, and Sheriffe, and to every of them, commanding every of them to surcease to arrest the said party, or to doe any other execution of the said writ of *supplicavit* and that if (before the comming of the said *superseas*) they have taken any such security, for the good behaviour of the party, that then they presently release the party of such surety found by him, the former writ of *supplicavit* notwithstanding.

For what cause this suretie of the good behaviour shall be granted.

CHAP. 63.

1. IT is chiefly to be granted (by the Iustices of peace out of their Sessions) in these cases following, viz. against common Barretors, common Quarrellers, and common breakers or perturbors of the peace.

2. Also

2. Also it is grantable against Rioters, see hereof before tit. *Riots*.
3. Also against such as shall lye in wait to rob, or shall be suspected to lye in wait to rob, or shall assault, or attempt to rob another, or shall put passengers by the way in feare or perill. P. Justice 18.
4. Also against such, as be generally feared, or suspected to be Robbers by the high way.
5. Also against such as are like to commit murder, homicide; or other grievances to any of the Kings subjects in their bodies. Cromp. 135. b.
6. Also against such as shall practise to poyson another.
7. One had bought Ratsbane, and mingled the same with corne, and then wilfully did cast the same amongst his neighbours poultry, whereby most of them dyed, and this was holden to be a good cause to bind the offender to the good behaviour. Dalton p. 171.
8. It is also grantable against such as be of evill name and fame generally, but more especially against all such as are defamed and detected in any of these particulars following. P. Justice 18.
34. Ed. 3. ca. 10.
9. First against all those that are greatly defamed for resorting to houses suspected to maintaine adultery, or incontinence. 19. H. 7. 10.
10. Also against the maintainers of houses commonly suspected to be houses of common Bawdrie.
11. One that had such lewd women found in his house was bound to his good behaviour, by *Wray, Anderson, and Manwood. 28. El.* Cromp. 140.
12. Also against common whoremongers, and common whores, for by good opinion Avowtry, or Bawdry, is an offence temporall as well as spirituall, and is against the peace of the land. 1. H. 7. 7.
27. H. 8. 14.
13. Upon information given to a Constable, that a man and a woman be in adulterie, or fornication together (or that a man and a woman of an evill report, are gone to a suspected house together in the night) the officer may take company with him, and if he find them so, he may carry them to prison, or he may carry them before a Justice of peace to find sureties for the good behaviour. 19. H. 10
Br. Traverse
432.
14. Also against night-walkers, that be suspected to be pilferers, or otherwise like to disturbe the peace, or that be persons of evill behaviour, or of evill fame or report generally, or that shall keep company with any such, or with any other suspicious persons in the night. 13. H. 7. 10.
15. Against such as be Evesdroppers, that is to say, that in the night shal harken neare the wals of mens houses to heare what is spoken within, and to make use thereof to breed discord or dissention amongst neighbours.
16. Against Night-walkers that shall cast mens gates or Carts into ponds, &c. or shall commit other misdemeanors or outrages in the night time.
17. Against suspected persons who live idly, and yet fare well, or are well apparellled, having nothing whereon to live, (except upon examination, they shall give accompt of such their living.)

18. Against common Haunters of Alehouses or Tavernes, but more specially if they have not whereon to live, and also against common Drunkards and Prophaners of the Sabbath, and against common Gamesters and Keepers of common gaming houses whereby mens servants and children are drawne to Unthriftnesse, and also against Alehouse-keepers and Inne-keepers that maintaine disorder in their houses, and especially on the Sabbath day.

19. Against such as shall use to goe in the message of Theeves, *See stat. 18. Ed. 2. P. Leete. 1.*

20. All these former offenders, and the like, are evill members in the common wealth, and such their demeanor and living is greatly to be suspected (and besides doe seeme to be more properly said against the peace of the land, then Avowtrey, in the case before. *1. H. 7. 7.*) and therefore it seemeth reasonable, just, and expedient that the Iustices of peace upon their discretion should convent such persons before them and their courses of life, and if they cannot yeild a good reason and accompt of such their courses, then to bind them to their good behaviour.

21. Also the good behaviour seemeth grantable against such as shall make false outcries, or shall raise Huy and Cryes without cause, for these are disturbances of the peace. *Crompt. 179.*

22. If two men doe levie Huy and Cry one upon another without cause, both of them may be attached and bound over, as disturbers of the peace. *P. R. 156.*

23. Also Cheators and Cozoners may be bound to the good behaviour.

*See Co. 5. f. 125.
P. R. 12.*

24. Libellers, it seemeth, may also be bound to their good behaviour as disturbers of the peace, whether they be the contrivers, the procurers or the publishers of the libell, for such libelling and defamation tendeth to the raising of quarrels, and effusion of blood, and are specially occasions and meanes tending and inciting greatly to the breach of the peace.

25. Also it seemeth grantable against unlawfull hunters in parks, after their examination taken, *vide antea tit. Hunting.*

26. Also it shall be granted against him that shall abuse a Iustice of peace (Constable or other officer of the peace) in executing of their office.

9. El. 43.

27. A Iustice of peace seeth a man breake the peace (*sc.* to make an assault, or affray upon A.) and he chargeth him to keepe the peace, and the other answereth that he will not, the Iustice of peace may bind him to the good behaviour.

See Exod. 22. 28

28. For (if as one saith) contempt, or contumelie, used to the person of a mans better, neither policie for example nor religion for peace may tolerate, much lesse to use contempt towards, or to abuse such as are in authority, especially when they are in executing their office.

29. Nay

29. Nay it seemeth that he which shall use words of contempt, or *contra bonos mores*, against a Iustice of peace, though it be not at such time as he is executing his office, yet hee shall be bound to his good behaviour.

30. If a Citizen or free man of a Citty, or Towne corporate shall use words of contempt, or *contra bonos mores*, against the chiefe officer of the City, or Towne, or his brethren, they are good causes to commit him to prison untill he shall finde sureties for his good behaviour, for obedience and reverence ought to be yeelded to the magistrate, for that they derive their authority from the King. Co. 11.98.

31. Also he that shall abuse a Iustice of peace his warrant may be bound to his good behaviour.

32. A man complaineth of a Riot or a forceible Entry, so that the Iustices of peace are assembled to enquire thereof, and then the party that complained will not prosecute the matter, it seemeth the said Iustices of peace may bind him to his good behaviour, for his deluding them.

33. And so of such as shall charge another with felonie, before a Iust. of Peace, and yet will not give Evidence, &c.

34. A. is bound to keepe the peace against B. only, and getteth a *superfedeas*, and after B. releaseth him, after A. is arrested for suretie for the peace at another mans suit, and sheweth this first *superfedeas*, it seemeth he shall be bound to his good behaviour for this deceit. Crompt. 1348

35. He that hath a pardon for any felony, shall finde surety for his good behaviour, but he shall bee bound before the Sheriffe and Coroners, who shall returne the same into the Chancerie. 10. Ed 3.
P. pardon 51

36. Also he that is acquitted of felonie, if he be of evill fame, or of evill behaviour, it seemeth the Iustices of peace upon their discretion may bind him to his good behaviour.

37. The forme of a warrant for the good behaviour, *vide postea tit. Warrants.*

38. The forme of the Recog. for the good behaviour, *vide postea tit. Recognisance.*

39. Whether the suretie of the good behaviour (taken upon complaint) may be released by any speciall person, some do doubt it, because it seemeth more popular, then the suretie of the peace, yet others doe hold that it may be released either by the Iustice of peace himselfe that tooke it in discretion, or by the party upon whose complaint it was granted, even as that for the peace may. Release.
Lamb. 126.
P. R. 23.

40. It seemeth also a *Superfedeas* of the good behaviour may bee granted by the Iustices of peace (as well as for the peace *mutatis mutandis*) upon good sureties taken by the said Iustices of the party to be of the good behaviour. Crompt. 137.
Superfedeas.

41. If a man be bound to the good behaviour (before Iustices of peace) and to appeare at the next Assises or Sessions, yet the party bound may by a *Certiorari* remove the Recognisance (into the Chancerie Crompt. 146.
Certiorari.

cerie, or Kings Bench) before the day, and then he shall not need to appeare at the Assises, or Sessions, for they have no record; whereupon he may be called there.

Swearing and Cursing. CHAP. 64.

10. Caroli ca. 1.
in Ireland.

1. **F**Orasmuch as all prophane swearing and cursing is forbidden by the Word of God, it is enacted by Parliament *in anno 10. Caroli ca. 1.* that no person or persons shall prophanely sweare or curse, and that every person or persons that shall at any time or times offend herein either in the hearing of a Iustice of peace, bailiffe, or any other head officer of any Citty or Towne corporate, where such offence is or shall be committed, or shall be thereof convicted by the oathes of two witnesses, or by confession of the party, before any Iustice of Peace of the Countie, or head officer or Iustice of Peace in the Citty or towne corporate, where such offence is or shall be committed, to which end every Iustice of peace, and every such head officer, have power by that Act to minister the same oath, that then every such offendour shall, for every time so offending, forfeit and pay to the use of the poore of that parish, where the same offence is or shall be committed, the summe of Twelve pence, and it shall also be lawfull for the Constables and Church-wardens, or any one of them, by warrant from such Iustice of peace or head officer, to levie the same summe or summes of money, by distresse and sale of the offendours goods, rendring to the party the overplus, and in defect of such distresse, the offender, if he or she be above the age of Twelve yeeres, shall, by warrant from such Iustice of Peace, or head officer, be set in the stocks for three whole houres; but if the offender be under the age of Twelve yeeres, and shal not forthwith pay the said summe of 12. d. then he or she by the warrant of such Iustice of P. or head officer, shall be whipped by the Conitable, or parents or master in his presence. And be it further enacted that if any such offender shall commence any suite in Law against any officer or other, for such distraining sale of goods, whipping or setting in the stocks, the defendant or defendants may pleade the generall issue, and give the speciall matter in evidence to the Iury at the triall, and if it be found against the plaintiffe, or that the plaintiffe be non-suite, the defendant or defendants shall be allowed good costs, to be taxed by the Court, provided neverthelesse, that every offence against this law, shall be complained of, and proved as abovesaid, within twenty dayes after the offence committed.

And it is also enacted that the said Act shall be read in every parish Church, by the minister thereof vpon Sunday after the Evening Prayer twice in the ycare.

Treason.

Treason. CHAP. 65.

BEfore the making of the statute of *25. Ed. 3. ca. 2. de prodicionibus*, there was great ambiguity and diuersity of opinions what offence should be adjudged Treason, for clearing whereof the said statute was made, whereby it is declared that these offences following should be adjudged Treason, *viz.*

1. To compasse or Imagine the death or destruction of the King, the Queene or the Prince.

2. To deflowre the Queene or the eldest daughter of the King not married, or the wife of the eldest sonne and heire of the King.

3. To levie warre against the King in his Realme or to be adherent to the Kings enemies in his Realme giving them ayd or comfort in his Realme or elsewhere.

4. To counterfeite the Kings great seale or privy seale, or his money.

5. To bring false money into this kingdome like to the Kings money (knowing the same to be false) to merchandise or make payment in deceit of the King and his people.

6. To kill the Cancellor, Treasurer or Iustices of the King of the one Bench or the other, Iustices in Eire and of the Assises, and all other Iustices of Oyer and Terminer being in their places doing their offices.

2. All these offences are by the said statute declared to be Treasons which extend to the King and his Royall Majestie, for which the King shall have the Escheate aswell of the lands holden of others as of himselfe.

3. Also there be other offences by the said statute declared to be petty Treasons which doe not extend to the Kings Majestie, as where the wife doth murder her husband, the servant his master, or the Clerke his Ordinary, in which cases the chiefe Lords had the Escheates, but now by a statute made in this kingdome of Ireland, *in 10. H. 7. ca. 21.* aswell these offences of pettie Treason as also those which at the common Law were murder of malice prepened are made high Treason, both in the Actors and procurers, and by a statute made *in 28. H. 8. ca. 7. in Ireland*, all escheats for any manner of Treason are given to the King.

4. By another statute made *in 3. H. 5. ca. 6.* It is declared that washing, fyling or clipping of money shall be high Treason.

5. By another statute made *in 4. H. 7. ca. 16.* the coyning of forraigne coyne which is permitted to passe in this Realme is Treason.

6. By another statute made in Ireland *in anno 13. H. 8. ca. 1.* willfull burning of houses or Rickes of Corne in the field or in the Townes is made Treason.

7. By another statute made in Ireland *in 11. Eliz. ca. 1.* for the attainder

rainder of *Shane ô Neale* the assuming of the name or dignity of *o Neale*, or taking any thing by colour of that name, is made Treason.

8. By a statute enacted *in anno 10. H. 6. ca. 3. in Ireland*, for Cessing of horsemen or footmen upon the Kings subjects, without their good wils, the offender shall be adjudged as a traitour.

9. By another statute made in Ireland *in anno 18. H. 6. ca. 2.* It is enacted that putting into Comricke, and the granting of such Comricke or safeguard shall be Treason aswell in the giver as in the taker.

10. By another statute made in Ireland *in anno 10. H. 7. ca. 13.* It is enacted that to cause assembly or insurrection, conspiracies, or in any wise to procure or stirre Irishry or Englishry to make warre against the Kings authority, that is to say, his Lievetenant or Deputy, or Iustices, or else in any manner to procure or stirre the Irishry to make warre upon the Englishry shall be high Treason.

11. By another statute in Ireland made *in 28. H. 8. ca. 7.* It was enacted amongst other things that if any person shal maliciously wilh, will or desire by words or writing, or by craft imagine, invêt, practise or attempt any bodily harme to be done to the King, the Queene or their heires apparant, or to deprive them or any of them of the dignity, title, or name of their Royall estates, or publish or pronounce by expresse writing or words that the Kings Majestie is an Hereticke, Schismaticke, Tyrant, Infidell, or Usurper of the Crowne, or shall rebelliously detaine or withhold from the King, his heires or successors any of his or their ships, ordinances, artillery, and other munition of warre, and shall not deliver up the same within six dayes after they shall be required by Proclamation under the great seale, the offenders, Ayders, Counsellors, Consenters, and Abettors, shall be adjudged Traitors of high Treason.

12. Having now briefly declared the statutes which are of force in this kingdome of Ireland concerning Treasons, I will returne backe to the exposition of the said statute of *25. Ed. 3. de prodicionibus.*

13. That statute of *25. Ed. 3.* doth not make any offence to be Treason which was not Treason by the common Law before, neither doth it alter any offence of Treason at the common Law into a lesser offence, but onely declareth the common Law in some particular cases, and therefore it will be necessary to set forth what offences have beene adjudged to be Treason at the common Law, both before and sithence the making of that statute.

14. Treasons at the common Law I finde thus defined by *Glanvill li. 14. ca. 1. cum quis itaq; de morte Regis vel seditione Regni vel exercitus infamatur, &c.* And afterward in the same chapter are these words, *viz. ipsum accusatum machinatum fuisse, vel aliquid fecisse, in mortem Regis vel seditionem Regni vel exercitus, vel consensisse, vel consilium dedisse, vel auctoritatem prestitisse, &c.*

15. Also I finde in *Bracton li. 2. Titulo de crimine lesa majestatis*, Treason to be thus defined, *videlicet: Si quis an su temerario machina-*
tus

*tus sit, in mortem Regis aut aliquid egerit vel agi procuraverit ad seditio-
nem Dom. Regis vel exercitus sui, vel procurantibus auxilium; & consilium,
prestiterit, aut consensum, licet id quod in voluntate habuit non produxerit
ad effectum. Tenetur tamen crimine laesa majestatis.*

16. Also Britton fo. 16. saith that it is high Treason to compassse the death of the King or to disinherit him of his Realme or to falsifie his seale or to counterfeite or clip his money. And in this Bracton in the said title *de crimine laesa majestatis* agreeth with Britton, and these writers were all before the statute *de 25. Ed. 3. de prodicionibus*.

17. If this compassing of the death of the King, &c. may appeare either by words, writing or by any other meanes, it sufficeth to make it Treason as appeares by the booke in *29. H. 6. fo. 47. & Stamford fo. 2.*

18. The words of the statute of *25. Ed. 3. de prodicionibus*, maketh not any mention of the consenters and ayders to the counterfeiting of the great seale or privy seale or of the Kings money, yet this is high Treason by *Stamford fo. 3. & 19. H. 6. fo. 47.* and the booke in *3. H. 7. fo. 9.* is not to the contrary if it be well observed, for there the Indictment wanteth the word *proditorie*, and this is by the rule of the common Law.

19. Also the taking of waxe imprinted with the great seale and fixing of that to a counterfeite or forged writing made in the name of the King is high Treason, and yet it is not within the words of the statute *de prodicionibus*, and so it is adjudged in *2. H. 4. fo. 32. & Stamford fo. 3.* saith it hath beene so adjudged in his time and with him agreeth Britton fo. 10. so as this appeareth to be Treason at the common Law.

20. Likewise if a man counterfeite the Kings money, although he doe not utter it, yet that is high treason by *Stamford fo. 3. & 1. H. 7. fo. 13. & 1. R. 3. fo. 1.* but if false money be made within this kingdome and another knowing it to be false utter it in payment, this is not Treason by *Stamford fo. 3.* but it is misprision.

21. If many conspire to commit Treason as in levying of warre and any one of them doth it, this is treason in all by the common law. *Dyer fo. 98. pl. 56.*

22. If the servant kill the master by the procurement of the wife, this before the statute of *10. H. 7.* whereby all killing of malice pre-pensed is made high treason was pettit Treason in both; but now in Ireland by the said statute it is high treason in both, and so it is if the husband had beene killed by a stranger by the procurement of the wife. *16. El. Dyer fo. 332. pl. 25.*

23. To conspire with the Prince or governor of another Realme to invade any of the Kings dominions is treason, although there be no such Invasion offered or openly attempted. *13. El. Dyer fo. 298. pl. 29.*

24. To compassse or imagine the death of the King, although he were an usurper is Treason. *9. Ed. 4. fo. 12.*

25. One outlawed for felony was in prison where traitours were, he broke the prison, whereby the traitours escaped, this was adjudged Treason. *1. H. 6. fo. 6.*

26. These words to compass or Imagine the death or destruction of the King are words of large extent, for he that by words or otherwise deviseth or adviseth any meanes how the King may come to his death, that is Treason, although it take no effect, also to intend to deprive the King, by that intention the death of the King is intended, & so the same is Treason by the declaration of the said statute, and also the detaining of a Castle or Fortresse or such like is levying of warre against the King, *Br. Treason 24.*

27. To runne into Rebellion and stand upon their keeping and to rob and spoile the Kings subjects hath alwayes beene adjudged to be high Treason in Ireland, and to be a levying of warre against the King.

28. Also to kill the Kings messenger or any that is comming to ayd the King against his enemies is Treason.

29. To let at large unlawfully any that is committed for Treason is Treason by the common Law, *Dalton fo. 225.*

30. It is to be observed that in high Treason, there be no accessaries as in felony, but as well all procurers or abettors before the Treason committed as releivers of the traitours after the Treason committed, knowing the same, are principall traitours and not accessaries.

Trespasse. CHAP. 66.

10. Caroli c. 23.
in hibernia.

BY a statute made in Ireland in 10. Caroli ca. 23. all and every lewd person which shall unlawfully cut, or take away any corne growing, or rob any Orchards or Gardens, or breake or cut any hedge, pale, rayle, or fence, or digge, pull up, or take away any fruit trees, in any Orchard or garden or elsewhere to the intent to take or carry the same away, or shall barke any trees that are growing or shall cut or spoile any woods or underwoods, pales or trees standing not being felony, and their procurers or receivers knowing the same being thereof convict, by confession of the party, or by the testimony of one sufficient witnesse upon oath before any one Iustice of peace (where the offence shall be committed, or the offender apprehended) shall for the first fault give the party wronged such recompence, and within such time as by any one Iustice of peace (of the County where such offence was done) shall be appointed, and if such offender shall be thought (in the discretion of the said Iustice) not able or doe not make satisfaction accordingly, then the said Iustice shall commit the said offender to some Constable or other inferiour officer where the offence shall be committed, or the offendour apprehended to be whipped.

2. Also

2. Also for the second fault, and every other offence whereof such offendour shall be after convicted in forme aforesaid, such offendour shall be whipped as aforesaid, *ibid.*

3. If any Constable or inferior officer doe refuse, or doe not at the commandement of a Iustice of peace, by himselfe or by some one by him to be appointed, execute upon the offendor the punishment aforesaid, the said Iustice of peace may commit the said Constable, &c. to the common gaole, there to remaine without balle, untill the said offendor be, by the said Constable or by some other, by his procurement, whipped as aforesaid.

4. But no Iustice of peace shall execute this statute for any of the offences aforesaid done unto himselfe, unlesse he be assotiated or assisted with one or moe other Iustices of peace whom the offence doth not concerne.

Tyles. CHAP. 67.

1. **B**Y a statute made *in anno 17. Ed. 4.* it is enacted that all and every person or persons that shall use the occupation of making of any Roofe tyle, Crest tyle, common tyle or gutter tyle shall make it good, seasonable, sufficient and thoroughly whited and anealed, and that the ground whereof any such tyle shall be made shall be digged and cast up before the first day of November next before that they shall be made, and that the same earth be stirred and turned before the first day of February then next following, and not wrought before the first of March then next following, and that the same ground before it be put to making of tyle, be truly wrought and tryed of stones, and also that the vaines called malyne or marle and chalke, lying commonly in the ground neere to the earth convenient to make tyle, after the digging of the said ground whereof any such tyle shall be made, shall be well and truly severed and cast from the earth whereof any such tyle shall be made, and that every such plaine tyle so to be made, shall containe in length ten Inches and a halfe, and in breadth six Inches and a quarter, and in thicknesse halfe an Inch and halfe a quarter at the least, and that every such Roofe tyle, or Crest tyle, so to be made, shall containe in length thirteene Inches, and the thicknesse of halfe an Inch and halfe a quarter at the least, with convenient deepenesse accordingly, and that every gutter tyle and corner tyle to be made, shall containe in length ten Inches and a halfe with convenient thicknesse, breadth and deepenesse accordingly, and if any person or persons set to sale to any person or persons any such tyle above specified, made or to be made against the said ordinance, then the seller thereof shall forfeite to the buyer of the same the double value of the same tyle, and besides that shall make fyne and ransome to the King, at his will, and that every person that feeleth himselfe

Plaine Tyle:
Length.
Bredth.
Roofe Tyle:

Forf. double
value, fyne.

costs.

Any Iustice of
Peace.Enquire, heare
and determine.

Fines.

Examine.

Search.
Forfeiture.In. of peace
Sessions.

grieved, and will sue in this behalfe shall have an action of debt against the offenders, wherein shall be made and had like processe, recovery and execution, as is or may be in any other action of debt pursued at the common Law, and that the plaintiffe in every such action (if it be found with him) shall recover against the defendant in the same action his reasonable costs and expences of his suit, and that the defendant in any such action shall not be admitted to wage his law, or to have any essoyne or protection allowed, nor no advantage by forcing, by Essoyne or distresse; And also that the Iustices for the time being within any County of this Realme, and every of them shall have full power to enquire, heare and determine by their discretions, aswell by examination or otherwise the defaults, offences and trespasses which shall happen to bee done against this ordinance, aswell at the Kings suit, as at the parties that shall feele themselves grieved in that behalfe, and if it be found, or may appeare to the Iustices of peace, or any of them, by examination or otherwise by their discretion, that any person or persons have offended contrary to this ordinance, that then the same Iustices before whom it shall bee found or appeare, shall asseffe upon the offender in this behalfe no lesse fine then for every thousand of plain Tyle set to sale contrary to this ordinance five shillings, and for every hundred of Roofe Tyle six shillings eight pence, and for every hundred of Corner Tyle or gutter Tyle two shillings sold contrary to this ordinance, and if lesse be put to sale, that lesse fine be made after the rate of the same by the discretion of the said Iustices of peace, or any of them, and that the same Iustices shall have full power to call before them or any of them, at any time and place requisite, such and so many persons as by their discretion have or shall have best experience and knowledge in the occupation of making of Tyle, to search and examine the digging, casting, turning, parting, making, whiting and anealing aforesaid, and that the same person or persons which so shall be assigned searchers, shall have full power to make such search, and that no person put no such Tyle to sale, before that it be searched by the said Searchers, upon paine of forfeiture of the said Tyle, and if the same Searchers or any of them doe finde that any person or persons exercising the making of Tyles doe offend contrary to this ordinance, that then the same Searchers shall present such defaults before the Iustices of peace at their next Sessions. And that every such presentment be as strong and effectuell in Law as the presentment of twelve men, and that such Searchers so to be ordained, assigned, and deputed shall have of every such Tylemaker, for his labour of the said search, for every thousand plaine Tyle 2.d. for every thousand Roofe Tyle ob. and every hundred Corner Tyle and gutter Tyle a farthing: And that the same Searchers shall doe and execute their effectuell devoir and diligence in this behalfe, according to this ordinance, upon paine of forfeiture

feiture to our Sovereigne Lord the King for every default in this behalfe Ten shillings, and that the Iustices of peace shall have power to examine, enquire and determine the default of such Searchers in the premisses in like forme as above is ordained, for the default of Tile-makers. *Anno 17. Ed. 4. cap. 4.*

Forf.
Ju. of peace

Tythes. CHAP. 68.

1. IF sentence definitive be given for Tithes by any Ecclesiasticall Iudge, and the party against whom such sentence is given shall refuse to performe the same, then upon Certificate thereof made by the same Iudge that gave the sentence, two Iustices of the peace, whereof one to be of the *Quorum* may cause him to bee attached and committed to Ward, there to remaine without baile or mainprife untill he finde sufficient sureties before the said Iustices by Recognisance or otherwise to the King, to performe the said definitive sentence and Iudgement as appeareth by a statute made in Ireland, in *Anno 33. H. 8. ca. 12.*

Watch. CHAP. 69.

1. EVERY Iustice of peace may cause night watch to be duely kept for the arresting of persons suspected, and night-walkers bee they strangers or others that be of evill fame or behaviour, and this they may doe by force of the first *Assignavimus* of the Commission, and of the statute of *Winchester*, and by the said statute this Watch is to be kept yearely from the Feast of the Ascension untill *Michaelmas* in every Towne, and shall continue all the night (*scil.*) from the Sun-setting to the Sun-rising, and by another statute made in *anno 5. E. 4. ca. 5. in Ireland*, the Watch is to bee kept in every Towne from *Michaelmas* untill Easter: so as by both these statutes watch is to be kept all the yeare saving onely betweene Easter and *Ascension* day.

2. All such strangers or persons suspected as shall in the night time passe by the watchmen (appointed thereto by the towne Constable or other officer) may bee examined by the said watchmen whence they come, and what they be, and of their businesse, &c. and if they finde cause of suspition, they shall stay them, and if such persons will not obey the arrest of the watchmen, the said watchmen shall levie Huy and Cry, that the offenders may bee taken, or else they may justifie to beat them, for that they resist the peace, and Iustice of the realme, and may also set them in the stockes for the same untill the morning, and then if no suspition be found the said persons shall be let goe and quit, but if they finde cause of suspition

Winch. 13.
Ed. 1. ca. 4. 5.
Ed. 3. ca. 14.

spition, they shall forthwith deliver the said persons to the Sheriffe, who shall keepe them in prison, untill they be duely delivered, or else the watchmen may deliver such persons to the Constable, and so to convey them to the Iustice of peace by him to be examined, and to be bound over or committed untill the offendours be acquitted in due manner.

Waxe. CHAP. 70.

11. H. 6. ca. 12.

1. **E**Very Iustice of peace may examine and search (by his discretion) such as doe sell or set forth to bee sold any Candles or other workes of Waxe at higher price then after the rate of iiij. d. the pound over the common price of plaine waxe, betweene Merchant and Merchant, and may punish them by forfeiture of the worke or value thereof, and by fine to the King.

Weights and Measures. CHAP. 71.

1. **B**Y a statute made in England in anno 9. H. 5. ca. 8. the Iustices of peace have power to take and imprison all falsifiers and Counterfeiters of false weights, and to hold them in prison without mainprise untill they be acquitted or attainted, and if they be attainted their bodies shall abide in prison untill they have made fynes and Ransomes at the discretion of the said Iustices.

2. By another statute made in England in anno 34. E. 3. ca. 6. Iustices of peace have power to enquire of weights and measures, and to punish the offenders, and therefore it is necessary for them to know what weights and measures by the lawes and statutes of force in this Kingdome, ought to be observed.

9. H. 1. 26.
Weights.

3. By the statute of *Magna charta*, capitulo 26. there shall be but one weight, one measure, and one yard throughout the whole realme, *scil.* according to the Kings Standard in the Exchequer, and this statute of *Magna charta* hath since herein been confirmed by many severall Parliaments, *viz.* by the statutes of 14. Ed. 3. ca. 12. 27. Ed. 3. 10. 13. R. 2. 9. 8. H. 6. 5. and 7. H. 7. ca. 3. as thereby appeareth.

4. And yet notwithstanding all these statutes, there alwayes hath been two kinds of Weights used in England and both warrantable, the one by law and the other by Custome (as it seemeth) but they are for severall sorts of wares or commodities, for there is Troy weights and *Averdepois*.

Dalton fo. 123.

5. Troy weight is by Law, and thereby are weighed gold, silver, pearle, pretious stones, electuaries, bread, wheat, and all manner of graine or Corne is measured by Troy weight, and this hath to the pound 12. ounces or twenty shillings old ster. weight, which is three pound of the money now currant.

6. *Aver-*

6. *Averdepois* weight is by Custome, yet confirmed also by statute, and thereby are weighed all grossery wares, phisicall drugges, Butter, Cheefe, flesh, waxe, pitch, Tallow, Wools, Hempe, Flaxe, Iron, Steele, Lead, and all other commodities not before named, but especially every thing that beareth the name of Garbell, and whereof issueth a refuse or waste. 27. Ed. 3. ca. 10.

7. And this hath to the pound sixteene Ounces or 25. s. old sterling weight. Also in this *Averdepois* weight unto every hundred is allowed twelve pounds weight.

8. Also all manner of *Averdepois* shall bee weighed by lawfull weights sealed according to the Standerd of the Eschequer. 27. Ed. 3. 10.

Averdepois.

<i>Averdepois</i> weight.	{	14. ounces and an halfe, and 2. pence weight Troy doe	} of Wheate, &c.
		make 16. ounces of <i>Averdepois</i> .	
		7. { pounds, or pints } <i>Averdepois</i> make the Gallon	
		14. { pounds, or pints } <i>Averdepois</i> make the Pecke	
		56. { pounds, or pints } <i>Averdepois</i> make the Bushell	

Pints or pounds.	5120	512	256	64	16	8	4	Troy weight.
Quarts.	2560	256	128	32	8	4	2	
Pottles.	1280	128	64	16	4	2	1	
Gallons.	640	64	32	8	2	1		Measures of Corne
Pecks.	320	32	16	4	1			according to Troy
Bushels.	80	8	4	1				weight.
Coombes.	20	2	1					
Quarters.	10	1						Ten Quarters of
								corne is a Last.

Beere measures.

Ale measures.

Pints	288	144	72	8	4	2	256	128	64	8	Measures of
Quarts	144	72	36	4	2	1	128	64	32	4	Beere & Ale.
Pottles	72	36	18	2	1		64	32	16	2	
Gallons	36	18	9	1			32	16	8	1	
Firkins	4	2	1				4	2	1		
Kilderkins	2	1					2	1			
Barrels	1						1				

See for Corne, Beere, and Ale, more fully in that which followeth.
Troy

32. Wheat Cornes taken in the midst of the Eare, weigh-
 eth 1. d. sterling.
 Twenty pence old sterling make the ounce Troy.
 12. Ounces make in { weight j. li. Troy.
 { measure j. pint.
 Two pints or pounds make the quart.
 Two quarts make the Pottle.
 8. pints }
 4. quarts } make the Gallon.
 2. Pottles }
 Eight quarts make the Pecke.
 64. pints }
 32. quarts } make the { Bushell
 8. gallons } or
 4. peckes } Firkin.
 Sixteene gallons }
 Two Firkins } make the { Kilderkin.
 { halfe Barrell.
 { Rondlet.
 256. pints }
 128. quarts }
 32. gallons } make the { Coombe
 4. firkins } or
 2. kilderkins } Barrell.
 4. bushels }
 512. pints }
 256. quarts }
 64. gallons } make the { Quarter
 8. firkins } or
 4. kilderkins } Hogshead.
 2. barrells }
 8. bushels }
 So the { Pint and pound
 { Firkin and bushell
 { Barrell and coombe
 { Hogshead & quarter } are of like content.

Measures of Corne.

Bushell,

1. **A**ll kind of Corne and graine is measured by Troy weight.
2. By statute the bushell must containe eight gallons or sixty foure pounds or pints of wheate. 31. Ed. 1.
3. And yet by the booke of the Assise imprinted *Anno Domini* 1597. the bushell is to containe 56. pounds or pints of *Averdupois* weight (which is three pounds or three pints, and eight ounces Troy more then the statute or Troy weight) for 56. pounds or pints *Averdupois* weight, and 67. pounds 8. ounces Troy weight doe justly agree.
 Also

Also every measure of Corne shall be stricken without heape and all purveyance shall be by such measure. 25. Ed. 3. ca. 10.

15 R. 2. ca. 4.
43. E. 3. ca. 6.

4. Water measure (sould within Shipboard) shall containe five pecks stricken to the bushell.

5. No person shall buy or sell with a Bushell except it be sealed and marked by the officer, and according to the Kings Standerd.

6. All sorts of bread ought to be weighed by Troy weight.

7. *Post septem dies panis non ponderetur.*

8. The Baker shall not sell to any victualler, &c. to be retayled but onely thirteene penyworth for twelve pence, as well mans bread as horsebread.

9. The punishment of the Bakers for their unlawfull breads is that that the Iustices of peace or sworne officers in Leets may take away their unlawfull bread, and give it amongst the poore, as officers in corporate Towes are enabled to doe, as it seemeth in the end of the booke of Assise imprinted anno 1507. and all Iustices of peace are there willed and required to be ayding and assisting to the said officers therein, but by the statute 31. H. 3. Bakers and Brewers being convicted for not observing the Assise the first, second, and third time, they shall be amerced according to the offence (if it be not over grievous) but if the offence be grievous, or often, then shall they suffer punishment of the body without redemption, sc. a Baker to the pillorie, and the Brewer to the Tumbrell (now called the Cockingstoole) (as it seemeth by Master Lambard 62.) or to some other correction.

31. H. 3.

Measures of Wine, Beere and Ale, &c.

Wine,	} their measure is	Rondlet, 16. & di.	} gallons.
Oyle and		Barrell, 31. & di.	
Honey :		Hogshed, 63.	
		Pipe, 126.	
		Tunne, 252.	
		all one, sc. the	

18. H. 6. ca. 17.

1. Cheefe: A weigh of Cheefe must containe 32. cloves, and every clove seven pounds of *Averdepois* weight.

2. Beeffe, and other flesh are 16. ounces *Averdepois* to the pound, and eight of those pounds to make the stone, except where the usage of the Countrey requireth more pounds to the stone.

3. Also sixscore herrings shall goe to the hundred, ten hundred to the thousand, and ten thousand to the last. 31. Ed. 3. ca. 2.

4. Wooll 14. pounds weight goeth to the stone of wooll, and 26. stone goeth to the sacke, whosoever buyeth wools at greater weight shall pay double the value to the party grieved & a fyne to the King.

5. Of Sugar, Spices, and waxe 8. pounds maketh the stone and 13. stone and a halfe or a hundred and eight pound maketh the hundred, see the statute, *de compos. ponder. Rast. weights* 8.

Rastall
weights 8.

6. Of hops fivescore and 12. pounds maketh the hundred.

N n

7. Of

Rastallweights
1.

7. Of lead, the formell containeth six stone wanting two pounds, and 30. formels make a load of lead, and 12. pounds make a stone.

8. The content of the Dicker of hyds is 10. skins, & 20. dickers make a last.

9. For the contents of Iron, glasse, linnen cloath and diverse other things, see the statute, *de composis. ponder. Rast. 8.*

10. All other commodities of tale or number, are sould by the hundred whereof Cartell and fish are sould sixscore to the hundred, and yet the hundred of hard fish must containe eightscore. *Rast. 8.* all headed things, as nayles, pins, &c. are sould sixscore to the hundred, and all other things have but fivescore to the hundred.

11. Timber well hewen and squared perfectly fifty foot thereof maketh the load.

12. Lath shall containe in length five foot, in bredth two Inches, and in thickeffe halfe an Inch.

13. Of Tyle the Assise thereof in the length, breadth, and thickeffe appeareth before in the title of Tyle.

14. A Bale of paper is ten Reame, a Reame 20. quires of paper, a quire is 25. sheetes.

15. A Rowle of parchment is 5. dozen, or 60. skins.

Measures of
length.
Inches.
Handfull.
Foot.
Yard.
Ell.
Fadome.
Pole.

1. Three Barly Cornes measured from end to end make one Inch.

2. Fower Inches make the handfull.

3. Twelve Inches make the foot.

4. Three foot make the yard.

5. Three foot and 9. Inches make the Ell.

6. Seven foot make the fadome.

7. Five yards and a halfe (which is sixteene foot and a halfe) make the pole, Rood or peach, *ibid.*

8. And yet by the usage of many Countreyes the pole doth vary, for in some places it is eighteene foot, and in some places 20. foot and most places in Ireland 21. foot goeth to the pole, and there if a man should sell a certaine number of Acres of wood, &c. it shall be measured according to the usage of the Countrey there, and not according to this statute for *Consuetudo loci est observanda.*

Co 6. 67.
17. E. 3. fo. 18.

Furlong.

9. Forty pole in length make a furlong.

Mile.

10. Eight furlongs (or 320. pole) make an English mile.

Acre.

11. Forty pole in length, and foure in breadth, doe make an Acre.

P. weights 4.

Stat. Composis. alinarum. & Stat. 34. Ed 1.

Plowland.

12. And (by Master *Cambden fol. 339.* and *Hollingshed pag. 13. im-*

Co. li 9. fo. 124.

press. 1586.) one hundred acres is an hide of land, but yet it seemeth that an hide of land (or plowland or carue of land which are all one) are not of any certaine content but according to the usage of the Countrey where the land lyeth.

Weight.
Measure.

13. In anno 8. H. 6. ca. 5. It is enacted as followeth, *videlicet.* whereas by the great Charter of the liberties of the Realme of England and by a statute made the xxvij. yeare of King *Edward* the third it was ordeined

ordeined and by a statute made the xiiij. yeare of King *Richard* the second confirmed, that one weight and one measure should be through all the Realme of England aswell out of the staple as within; And in the same statute of the said noble King *Edward*, it is ordeined that the weight called auncell for the great damage & subtrill deceits done by the same measure to the common people, shall be utterly left and set apart, and the wools and all other manner of marchandise, and all other things lying in weight, bought or sold shall bee weighed by the balance, so that the tongue of the balance doe not incline more to the one party than to the other, with weights sealed and according to the standard of the Exchequer. And he that doth contrary to the damage of the Seller shall forfeit to the King the valour of the goods so weighed or measured, and that the party complaynant have the quatreble damages. And by the said statute of the said noble King *Richard*, it was added, that the offender shall be imprisoned by two yeares, and make fyne and ransome at the Kings will. And that the Iustices of peace should have power to enquire of the said defaults, aswell at the Kings suit as the parties. Our soveraigne Lord the King by authority of this Parliament, hath ordeined and stablified, that the statutes and ordinances aforesaid, shall be firmly kept and holden, and straitly executed. And moreover for to eschew diverse great mischieves, which have happened within the Realme of England by the said auncell, and specially for to destroy the falsity of the regratours of yarne, called yarne Choppers, it is ordeined by our said soveraigne Lord the King, by authority aforesaid, that in every City, Burough, and Towne, of the Realme of England, common balance shall be, with common weights sealed, and according to the Standard of the Exchequer, upon the common Costs of the said City, Burgh, or Towne, in the keeping of the Maior, or Constable of the same, to which balance and common weight all the Inhabitants of the same City, Burgh, or Towne, that have not such weights, and other that have, if they will may freely weigh without any thing paying, taking neverthelesse of forreyns for every draught within the weight of xl.li. a farthing, and for every draught betwixt xl.li. and an hundred an halfpeny, and for every draught betwixt a hundred pound and a thousand pound a penny at the most, whereof the weights shall be maintained, and the officers lawfully weighing rewarded by the discretion of the chiefe of the City, Burgh, or Towne, according to his attendance to the said occupation be it more or lesse. And that no man buy yarne of wooll called wollen yarne, unlesse he will make cloth thereof, nor use weight nor measure, nor other thing in the place of weight or measure, that is not sealed according to the said Standard, nor set any thing to the same by the way of taking or hiding, or in any other manner that may encrease the measure or weight, or let the balance to have his naturall course upon the forfeiture and paine aforesaid, and that the Iustices of peace, Maiors, Bailiffes,

Bailiffes, and Stewards of Franchises have power by authority aforefaid to examine the Trespassours in this case, and for to enquire in especiall of offenders against this ordinance, and to doe execution against them that be found defective by enquests or by examination, to be made by the said Iudges or officers in this case in the manner as afore is said. And that this ordinance be holden and observed from the Feast of Easter next ensuing for ever. And that every City upon paine of x.li. every Burgh upon paine of C.s. and every Towne where a Constable is upon paine of xl.s. have a common balance with weights according to the said Standerd, within two moneths after Proclamation made of this ordinance, which paine shall be levyed to the use of our soveraigne Lord the King, as often as they shall be defective after the said Proclamation.

14. There is another statute made in Ireland *in anno 12.El.ca.3.* concerning measures of Corne, whereby it was enacted that two measures of brasse should be made at the Queenes cost, one for wheat, Rye, Maslen, Beanes, and Peese, and another for Malt, Oates, and Barley, which shall bee the Standerds for the Shires of the City of Dublin, the county of Dublin, Kildare, Catherlagh, Wexford, Meath, the Towne of Drogheda, Westmeath, Louth, Kings County, and Queenes County, within this Realme, and that the same being marked with the Crowne and letters of her majesties name, should remaine and be as her highnesse Standerds for the Shires aforefaid, in her Majesties Exchequer of this Realme, in the custody of the Lord Treasurer of this Realme, or of the under Treasurer for the time being, and that unto the Knights, Citizens and Burgeses of every the Shires, Cities, and Townes, before named, assembled in the same Parliament, and to certaine Burgeses of the Borough Townes in the same Shires should be delivered one measure of every such measures which her Majestie should cause to be made according to the tenor of the said Act for the common wealth of her highnesse subjects within this Realme of Ireland, according to her Majesties Standerd of her Exchequer in this Realme, by Indenture thereof to be made betweene the Lord Treasurer of this Realme, or the under Treasurer for the time being, at the cost and charges of the said Shire, City, Towne, or Borough, and that the said Knights, Citizens, and Burgeses, to whom the said measure shall be delivered, as is aforefaid, shall surely and safely convey, or cause the same to be conveyed by the said Citizens to their Cities, and by the said Knights or Burgeses unto such Borough, or Towne corporate, or market Towne within the Shire, for which they have beene elected as hereafter shall be appointed in this Act, for the good custody of the same measures with all convenient speed and expedition, there to remaine for ever in the keeping of the Maior, Bailiffe, Soveraigne, Portriffe, or other head officer for the time being of the same City, Borough, or Towne, as her Majesties Standers of measure, and that the Inhabitants of all Cities,

Althoug Stat. 348.

Cities, Boroughes, or market Townes within every of the said Shires should with all convenient speed after the same Standerds so delivered as is before prescribed, make or cause to be made common measures, according to the measures aforesaid to remaine in the said Cities; Boroughes, and market Townes, and every of them, and the measures to be viewed, examined, printed, signed, and marked, by the Mayor, Bailiffe, Sovereigne, Portriffe, or other head officer, in whose possession the said Standerd shall remaine or by his officer appointed in that behalfe, and that every of the aforesaid Maiors, Bailiffes, Sovereignes, Portriffes, or head officers having the said measures printed, and signed under the signe and print for the same, with the letters of her Majesties name Crowned, should have authority and power to make, signe and print like measures unto every of her Majesties subjects duely requiring the same, taking for marking of every bushell two pence, lawfull money of Ireland, and that no Merchant nor other person or persons within any City, or market Towne in any the Shires before specified, shall buy, sell, or receive any graine, or corne, with any measure, except it be marked, signed, and printed in manner and forme aforesaid, nor any other person or persons in any Shires before specified out of the said Cities, Boroughes, and market Townes, except it be like and equall with the Standerd, ordained and made for the said Shire, precinct or place, where any such person shall so sell, buy, or receive any such graine, or corne, and that every person aswell without Cities, Boroughes, and market Townes, as within in every of the Shires above specified shall buy, sell, and receive, and deliver with a bushell sealed, signed, and marked, after the forme aforesaid, and no otherwise, upon forfeiture of the graine, and corne so sold, bought, received and delivered, halfe to the Queenes Majestie, her heires and successors, and the other halfe to the party grieved and that will sue for the same by Action of debt after the course of the common lawes of this realme, wherein no esloyne protection nor wage of Law to be admitted or allowed, and that all the Maiors, Bailiffes, Sovereignes, Portriffes, and other head officers, of every City, Borough, or market Towne, within every the Shires above said, shall cause twice in the yeare or oftner, as they shall thinke necessary all measures within the said Cities, Boroughes, or market Townes to be brought afore them, and to be duely viewed and examined, and such as they shall upon examination finde defective immediately to be broken and burnt, and the party or parties which in that behalfe hath offended, and be found defective shall forfeite six shillings eight pence, the forfeiture thereof to be unto the said Maior, Bailiffe, Sovereigne, Portriffe, or other having Iurisdiction or correction in that behalfe, and at the second time the said offenders to forfeite thirteene shillings foure pence, and at the third time likewise to forfeite twenty shillings the same forfeitures to be to the head officers, as afore is said, and for further

further punishment to be set upon the pillory to the example of others, and that the Iustices of peace in every Shire of this Realme of Ireland, have full power and authority to enquire, heare and determine the said defaults, and that the said Iustices of peace above said have authority to make like processe against all persons found as is above said defective, and for such fynes and amerciaments as upon them shall be assessed, as if they were endicted afore them, for breaking of the Queenes peace, provided alwayes that the examination of the defaults abovesaid, and punishments of the offendours of every offence committed hereafter within any City, or Towne corporate of this Realme, that have by grant or Charter the office of Clerke of the Market, or of Iustices of peace and their authorities, or that have by grant or Charter fines, amerciaments, or forfeitures growing within their City or towne shall be had, done and ministred by the head officers, Clerke of the market or Iustices of peace within the same Cities, or Townes incorporate for the time being, and by none other, the premisses notwithstanding, and the same Maiors, Bailiffes, Soveraignes, Portriffes, or other head officers and their successors, shall take, perceive, and retaine, all and singular the fynes, amerciaments, forfeitures, and penalties, to grow by any offence to bee committed against any branch or article of this Act within their severall Iurisdctions and authorities in like manner as they should, mought or ought to have any forfeitures, fynes, amerciaments, and penalties within the severall Iurisdctions and authorities, by reason of any grant or Charter made to them, before the making of this Act any thing therein contained, or any Law, prescription, custome, or usage, to the contrary hereof in any wise notwithstanding. And forasmuch as great inconveniences and intollerable damage have and doth ensue by the occasion of diversity of measures within the Shires above mentioned, & thereby amongst other hatefull evils men are moved to buy in one market, and sell the same graine in another to the great subversion of good orders in markets, it was enacted and established that the severall Standerds to be made by her Majestie for the severall Shires, Cities, and Townes, before named shall keepe and hold the quantities hereafter following, that is to say, the bushell for the Wheat, Rye, Maflen, Beanes, and Peeze, shall containe 16. Ale gallons, and the bushell for the Mault, Oates, and Barley, shall containe 20. Ale gallons, and that the same Standerds and measures shall be kept and remaine in the Townes and places hereafter appointed in this Act as her Majesties Standerds for ever, and that every bushell of Wheat Corne, shall be received, stricked, without heape, and the bushell of Mault, Corne, shall be layed and pressed downe just with the brim of the bushell after the accustomed manner of measuring Mault, and not in other manner upon forfeiture of the Corne received contrary to the tenor hereof or of the just value and price thereof.

The

The Names of the Townes limited for the Custodie of Measures according to the Queenes Standard appointed by the said Act for the Shires in the same Act mentioned.

1. County of the Citty of Dublin, and the County of Dublin.	1. The Citty of Dublin.
2. The County of the Towne of Drogheda.	2. The Towne of Drogheda.
3. The County of Catherlagh.	3. The Towne of Catherlagh.
4. The County of Lowth.	4. The Towne of Dundalke.
5. The Kings County.	5. The Towne of Phillipstowne.
6. The County of Meath.	6. The Towne of Tryme.
7. The County of Kildare.	7. The Towne of Kildare.
8. The County of Wexford.	8. The Towne of Wexford.
9. The County of Westmeath.	9. The Towne of Molingare.
10. The Queenes County.	10. The Towne of Maryborough.

These two last statutes I have rehearsed at large because upon them two, the authority of the Iustice of peace out of the Sessions chiefly dependeth.

Warrants and Presidents. CHAP. 72.

1. **V**Arrants and presidents which concerne the exercise of the office of a Iustice of peace out of the generall Sessions, are of severall sorts, viz. they concerne either Treasons, Felonies, Misprisions, *Premunires*, forcible Entries, forceible detainers, Riots, Routs, and unlawfull assemblies, security of the peace, and good behaviour, or other misdemeanors or offences of severall sorts.

2. As concerning Treasons, and felonies, upon information made of any Treason or felon committed, any one Iustice of peace may direct his warrant to the Sheriffe or to the high Constables or petty Constables, or to all or any of them to make search for the traitours or felons, and also for the stolne goods.

A warrant to apprehend a Traitor may be thus.

2. A.B. Esquire one of his Majesties Iustices of peace within the County of D. To the high Sheriffe of the said County & to all high Constables, petty Constables, and other his Majesties officers greeting, &c. Whereas E.F. and G.H. are vehemently suspected to have committed Treason whereof I have received Information. These are therefore in his Majesties name streightly to charge and command you

Comitate
Dublin,

you and every of you upon sight hereof without any delay within your severall Bailiwicks, Hundreds, Baronies, and Constablewicks, to make diligent search for the bodies of the said E. F. and G. H. and them or either of them so found, to attach and arrest, and immediately upon such arrest to bring before me at my house at Dale in the said County, whereof you may not faile at your perill, sealed with my seale and dated the first day of Ianuary in the xiiij. yeare of the Raigne of our soveraigne Lord King *Charles* of England, Scotland, France, and Ireland, defendor of the faith, &c.

3. The like warrant may be made for the apprehension of felons, *mutatis mutandis*.

A warrant to search for stolne goods may be thus.

Comitat.
Dublin.

4. A. B. Esquire one of his Majesties Iustices of peace within the County of Dublin. To the Sheriffe of the said County and to all high Constables, petty Constables, and all other his Majesties officers greeting, &c. whereas E. F. hath informed me that diverse goods and cartel, viz. xx. l. in money, &c. (and so name all the goods) have beene lately stolne from him, these are therefore in his Majesties name, straightly to charge and command you, and every of you, upon sight hereof presently without delay in all suspected houses and places within your severall Bailiwicks, Hundreds, Baronies, and Constablewicks, to make diligent search for the said goods, and where you shall finde the same or any part thereof, to arrest the parties in whose houses, or possessions the said goods or any part thereof shall be so found, and so them arrested to bring before me to my house at Dale with all convenient speed, whereof you may not faile at your perill sealed with my seale and dated the day of &c.

5. When any of the said felons, or traitours shall be so arrested and brought before the Iustice of peace, the Iustice must take the examination of the traitours or felons, in writing but not upon oath, and must examine them upon all circumstances, whereof he shall receive information from the accusers, and upon such other circumstances as he in his owne discretion shall thinke fit, for the discovery of the Treason or felony.

The forme of the Examinations may be thus.

6. The Examination of A. B. &c. taken before me R. B. one of his Majesties Iustices of peace in the County of M. the first day of February in the xiiij. yeare of the Raigne of our soveraigne Lord *Charles* by the grace of God King of England, Scotland, France, and Ireland defendor of the faith, &c.

The said examinat. being duely examined faith, &c. and so set
downe

downe every particular answer that the prisoner shall make; to the questions that shall be demanded of him.

7. This being done, the Iustice of peace must take the examinations of the accusers, and such other as can give any evidence materiall against the prisoner, and their examinations must be taken in writing severally and that upon oath.

The forme whereof may be thus.

8. The examination of A.B. &c. taken before me C.B. Esquire one of his Majesties Iustices of peace, in the County of Dublin the first day of March in the xiiij. yeare of the Raigne of our soveraigne Lord Charles by the grace of God King of England, Scotland, France, and Ireland defendor of the faith, &c.

This examinat. being duely sworne upon the holy Evangelist and examined upon his oath, faith, &c. and so set downe at large all the materiall circumstances that he shall declare to prove the treason or felony.

9. This being done the Iustice of peace must make a *Mittimus* to convey the prisoner to the County Gaole.

The Mittimus may be in this forme.

10. A.B. Esquire one of the Iustices of peace in the County of C. to the keeper of his Majesties Gaole in the said County greeting: Comitat. Cavan. I send you therewithall the body of E.F. late of G. labourer brought before me this present day and charged with the felonious stealing of one blacke horse of the goods of I.H. and therefore these are in his Majesties name to command you that immediately upon sight hereof you receive the said E.F. into your custody, and him safely keepe in his Majesties Gaole of the said County, untill he shall be thence delivered by due order of his Majesties Lawes; whereof you may not faile, as you will answer for your contempt at your perill, dated at Date the first day of January, &c.

11. I doe not like of the *Mittimus* commonly used in Ireland that is to send the prisoner from Constable to Constable, for I finde by experience that thereby many notable offenders doe escape, and then many times goe into Rebellion to the great prejudice of the common wealth, but I like better that he should be conveyed to the Gaole by the Constable of that Constablewicke where he was apprehended, and that by a sufficient guard at the charge of the Constablewicke, for which the Iustices of peace shall doe well to conceive a generall order at their generall Sessions of the peace.

12. This being done the Iustice of peace must take a severall Recognisance of every one of the accusers, and of every one that can give evidence against the prisoner, the forme of which Recognisance may be thus.

Com. Dublin.

13. *Memorandum quod tertio die Aprilis anno Regni Domini nostri Caroli Dei gratia Anglia, Scotia, Francia, & Hibernia, regis fidei defensoris. A.B. de C. in comitatu predicto Yeoman personaliter coram me I. H. uno Iusticiariorum dicti Domini Regis in & per totum comitatum predictum ad pacem dicti Domini Regis conservandum, &c. assignat. apud Dale in Com. predict. recognovit se debere dicto Domino Regi decem libras bonæ & legalis monete de bonis, & Catallis, terris & tenementis suis fieri & levare ad opus dicti Domini regis, heredum, & successorum suorum, si defecerit in conditione subsequenti.*

The condition of the above Recognisance is such that whereas one A.B. late of C. labourer was this present day brought before me, and was charged with the felonious stealing of one blacke horse of the goods of the above named B.E. and thereupon was sent by me the above named Iustice of peace, to the Kings Majesties gaole of the said County of Dublin: If therefore he the said B. E. shall and will at the next generall gaole delivery to be holden in the said County, preferre or cause to be framed and preferred a bill of indictment of the said felony against the said A.B. and shall and will then also give evidence there concerning the same aswell to the Iurors that shall then make enquiry of the said felony as also to them that shall passe upon the tryall of the said A.B. That then the said Recognisance shall be voyd, or else, &c.

14. The like Recognisance must be taken severally of all such as can give any materiall evidence against the prisoner with the like condition.

15. And in cases of Treason the like Recognisance must be taken as in felony *mutatis mutandis*.

16. Also the Iustice of peace ought to returne the said examinations and Recognisances at the next gaole delivery or else he is to be fyned.

17. Now concerning Misprisions and *Premunires*, the Iust. of peace may make out a warrant to apprehend offendours in this forme following, *viz.*

Lowth.

A.B. Esquire one of his Majesties Iustices of peace within the County of Lowth, To the Sheriffe of the said County, and to all and singular the high Constables, petty Constables, and all other his Majesties officers in the said County greeting.

These are in his Majesties name streightly to charge and command you, and every of you, within your severall Bailiwicks, Hundreds, Baronies, and Constablewicks, to make diligent search for the body of O.D. late of E. in the County aforesaid labourer, and him so found to attach and arrest and presently without delay to bring him before me at my house in Dale in the said County to answer to such matters as on his Majesties behalfe shall be objected against him, hereof you may not faile at your perill. Sealed with my seale and dated, &c.

18. And in all cases where the prisoner is baileable which you may

may finde in the Chapter of Baile and Mainprife the prifoner may be bailed by two Iuftices of peace whereof one to be of the *Quorum*, the forme of which baile may be as followeth, viz.

Memorand. quod vicesimo die mensis Iulij Anno Regni Domini nostri Lovid. Caroli Dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ regis fidei defensoris, &c. coram nobis A. B. & C. D. duobus Iusticiariis dicti Domini Regis ad pacem ejusdem Domini Regis in & per totum Comitatus Lodidie predicti conservand. apud Dale in Comitatu predicto venerunt E. F. & G. H. de L. in comitatu predicto Yeomen & ceperunt in ball. usq; ad proximam gaolæ deliberationem in dicto comitatu tenend. quendam L. M. de N. Labourer, captum & detentum in prifona pro suspitione cujusdam felonie, &c. & assumpserunt super se scil. quilibet predictorum E. F. & G. H. sub pœna viginti librarum, bonæ & legalis monete de bonis & Catallis, terris & Tenementis, eorum quorumlibet, & cujuslibet eorum, ad opus dicti Domini Regis heredum & successorum suorum levandurum si prefatus L. M. ad eandem proximam gaolæ deliberationem, personaliter non comparebit coram Iusticiariis dicti Domini Regis ad dictam gaolæ deliberationem assignat ad standam recte de felonie predicta, & ad respondendum dicto Domino Regi, tunc & ibidem de & super omnibus quæ illi obicientur. Datum sub sigillis nostris die et anno supradicti.

Or thus if the prifoner be indicted.

Memorand. quod secundo die mensis Septembris anno Regni Domini nostri Caroli dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ, Regis fidei defensor, coram nobis A. B. & C. D. armigeris duobus Iusticiariis dicti Domini Regis ad pacem in Comitatu predicto conservand. apud E. in Com. predicto venerunt F. G. de H. & I. R. de L. in com. predicto & manuceperunt pro R. B. de L. in Com. predicto gener. viz. quilibet eorum corpus pro corpore, quod idem R. B. personaliter comperebit coram Iusticiariis dicti Domini Regis ad gaolam deliberand. assignatis, ad proximam gaolæ deliberationem in Com. predicto tenend. ad standum recte in Curia, si quis versus eum loqui voluerit, de diversis felonis & transgressionibus unde Idem R. B. indictatus existit ut dicitur, & ad respond. dicto dom. regi de iisdem prout debet. datum sub sigillis nostris, &c.

19. Note that upon this last president the mainperners shall be fyned at the discretion of the Iustices, if the prifoner make default to appeare.

20. These bailes must be returned by the Iustices of peace at the next gaole delivery, or otherwise they are fyncable.

The forme of the warrant to enlarge the prifoner that is bailed as aforesaid may be thus.

21. A. B. and C. D. two of his Majesties Iustices of peace Lovid, in the County of Lowth, To the keeper of his Majesties gaole of the

saïd County greeting. Forasmuch as R. B. of, &c. labourer hath before us found sufficient mainprise to appeare before the Iustices of the gaole delivery at the next generall gaole delivery, to be holden in the saïd County, there to answer to such things as shall be then on the behalfe of our saïd soveraigne Lord objected against him, and namely to the felonious taking of two sheep of the goods of I. S. for the suspition whereof he was taken and committed to the saïd gaoler: Wee command you on the behalfe of our saïd soveraigne Lord, that if the saïd R. B. doe remaine in your custody, for the saïd cause and for none other, then you forbear to grieve or retaine him any longer, but that you deliver him thence and suffer him to goe at large, whereof you may not faile at your perill, given under our scales the 20. day of, &c.

Forceible
Entries, &c.

22. Concerning forceible Entries, and forceible detainers any one Iustice of peace to whom complaint shall be made ought to view the force, and if at his comming he finde the possession hold by force, he must remove the force, and to that end he may take to his assistance, the Sheriffe of the County and so many others as he shall in his discretion thinke fit for this service, and he must also send to prison all such as he findes upon his view committing the force, or holding by force and must make a record of the same, which record must remaine amongst the records of the peace, or else be certified into the Kings Bench which may be done without any *Certiorari*.

The forme of the Record of a force may be thus.

Com. Dublin.

23. *Memorandum quod octavo die mensis Ianuarij anno Regni Domini nostri Caroli Dei gratia, Anglia, Scotia, Francia, & Hibernia Regis, &c. questus est mihi Iohanni Stile armigero, uni Iusticiariorum dicti Domini Regis ad pacem in dicto comitatu Dublin conservandam assignatorum quidam A. B. de Killmainham in dicto Com. Teoman, quod C. D. de Killmainham predict. & nonnulli alij pacis dicti Domini Regis preturbatores ignoti in domum mansionalem ipsius A. B. in Killmainham predict. manusforti ingressi sunt, & ipsum A. B. inde disseisiverunt ac eandem manusforti et armata potentia adhuc tenent ac proinde petit à me sibi in hac parte remedium apponi, quaquidem quarimonia et petitione audita ego prefatus Iohannes Stile ar. immediate ad dictam domum mansionalem personaliter accessi, ac in eadem domo ad tunc inveni prefatum C. D. et quosdam E. F. et G. H. &c. domum illum vi et armis manusforti et armata potentia, viz. arcubus et sagittis, gladijs pugionibus et alijs armis tam offensivis quam defensivis contra formam statuti in Parlamento Domini Richardi nuper Regis Anglia secundi anno Regni sui xv.ºo tento provisum, ac contra formam diversorum aliorum statutorum in huiusmodi casu editorum et provisorum, ac propterea ego prefatus Iohannes Stile predict. C. D. E. F. et G. H. ad tunc et ibidem arrestavi proximoq; gaoli dicti Domini Regis apud Killmainham predict. in dicto Com. duci feci ut de dicta manusforti tentione per visum et Recordum meum convictos,*

victos, ibidem morituros quosq; fines dicto Domini Regi pro transgressionibus suis predictis fecerint. datum apud Sale in Com. predicto sub sigillo meo die & Anno supradictis.

The forme of the Mittimus to the Gaoler may be thus.

24. Iohn Stile Esquire one of the Iustices of peace of our sove-
raigne Lord the Kings Majestie within his said County of Dublin, Com. Dublin
to the keeper of his Majesties gaole in the said County, and to his
Deputy and Deputies there and to every of them greeting. Where-
as upon complaint made to me this present day by A.B. of Killmain-
ham in the said County Yeoman I went immediately to the dwel-
ling house of the said A.B. in Killmainham aforesaid and there found
C.D.E.F. and G.H. of Killmainham aforesaid Labourers forcibly,
and with strong hand and armed power, houlding the said house,
against the peace of our said soveraigne Lord, and against the forme
of the statute of Parliament thereof made in the fifteenth yeare of the
Raigne of our late King *Richard* the second, therefore I send you by
the bringers hereof the bodies of the said C.D. E.F. and G.H. con-
victed of the said forceible houlding, by my owne view, testimony,
and record, commanding you in his Majesties name to receive them
into your said Gaole, and there safely to keepe them, untill such time
as they shall make their fynes to our said soveraigne Lord for the said
trespasses and shall be thence delivered by the due and orderly course
of Law, whereof faile you not upon the perill that may ensue there-
of. Given at Dale under my scale the day of, &c.

Upon this recording of the force, the Iustice of peace may not
restore the possession to the party that was put out, without first ma-
king enquiry by a Iury, and to that end he must make a precept to the
Sheriffe in nature of a *venire facias*.

The forme of the precept may be thus.

25. *Iohannes Stile armiger unus Iusticiariorum Domini Regis, ad pacem* Com. Dublin
in Com. Dublin conservandam assignatorum vicecomiti ejusdem Com. salu-
tem, ex parte dicti Domini Regis tibi mando & precipio quod venire facias
coram me apud Swords in Com. predict. vicesimo die Septembris proximo
futuro, viginti quatuor probos sufficientes & legales homines, & vicineto de
Dale in Com. pred. quorum quilibet habeat quadragint. solidos terr. & tene-
mentorum, vel redditum per annum ad minus ultra reprises, ad inquiren-
dum super sacramentum suum pro dicto Domino Rege de quodam ingressu
manu forti facto in unum messuagium cujusdam A.B. apud Dale predictum,
contra formam statuti in Parlamento Domini Henrici nuper Regis Anglie,
Sexti Anno Regni sui octavo tento, & aliorum statutorum in hujusmodi casu
provis. ut dicit & videas quod super quemlibet Iuratorum per te in hac parte
impanitandorum vigint. solidos de exitibus ad prefatum diem returns &
hoc

hoc nullatenus omittas sub pœna viginti librarum quam noveris te incursum si in executione premissorum tepidus aut remissus fueris, & habeas ibi tunc hoc preceptum. Teste me prefato Iohanni Stile primo die Septembris Anno Regni Domini nostri Caroli Dei gratia, Anglia, Stotia, Francia, & Hibernia, Regis fidei defensor, &c.

If upon the returne of this precept a full Iury doe not appeare an alias may be awarded and after that a *pluries infinite* till they come but so that at the day of the returne of the second precept there must be returned 40.s. in Issues upon every Iuror that makes default, and at the returne of the *pluries* 5.l. and at every day after the issues are to be doubled untill a full Iury appeare, and after that a full Iury hath appeared the Iustice of peace must sweare twelve or more of them and give them in charge to enquire of that particular forceible Entrie or detainer.

The Enquiry or verdict of the Iurors may be thus.

Com. Dublin,

26. *Inquisitio pro Dom. Rege capta apud Swords in Com. Dublin vicesimo die Septembris Anno Regni Domini nostri Caroli Dei gratia, Anglia, Scotia, Francia, & Hibernia, Regis fidei defensoris, &c. per sacramentum A.B.C.D.E.F. &c. (and so name all the Iurors that are sworne) coram me Iohanne Stile Ar. uno Iusticiariorum dicti Domini Regis ad pacem in dicto Comitatu conservandam nec non ad diversa felonias transgressiones et alia malefacta in eodem Comitatu perpetrata audiendum et terminandum assignat. Qui dicunt super sacramentum suum predictum quod C.D. de Swords predict. Yeoman, diu legitime et pacifice seditus fuit in dominico suo ut de feodo de et in uno messuagio, &c. cum pertinentijs in Swords predict. et possessionem ac seisinam suam predictam sic continuavit, quosq; A.B. de Swords predict. Yeoman et alij malefactores ignoti primo die Septembris ultimo elapso vi, et armis, viz. baculis, gladijs, arcubus, et alijs armis tam offensivis quam defensivis in messuagium predictum et ceteris premissis intraverunt ac ipsum C.D. inde deseisiverunt et manu forti expulerunt et eundem C.D. sic disseisitum et expulsum ab eodem messuagio, &c. a predicto primo die Septembris usq; ad diem captionis huius Inquisitionis cum huiusmodi fortitudine et potentia armata extra tenuerunt et adhuc extra tenent in magnam pacis dicti Domini Regis perturbationem ac contra formam statuti in huiusmodi casu edit. et provis.*

Yet these words vi & armis here seeme to be needlesse being necessarily implied in the word manu. forti.

Or thus upon the statute of 8.H.6.

And yet it seemes not best to recite the statute but shew the forceible Entrie, &c. and to conclude contra formam statuti in hu-

27. *Iurator pro Dom. Rege, presentant quod cum in statuto in Parlamento Domini Henrici nuper Regis, Anglia Sexti, apud Westmoneſtarium, Anno Regni sui octavo tent. edit. inter cetera continetur, quod si aliqua persona, sive aliqua personæ de aliquibus terris aut tenementis manu forti expulsi. seu disseisiti. vel pacifice expellatur et postea manu forti extra teneatur vel aliquod seoffament, vel discontinuac. inae post talem ingressum ad ius possessoris*

possessoris defraudand. et tollendum aliquo modo fiat, habeat in hac parte pars gravat. versus talem disseisitor. assisam nove disseisin. vel breve transgressi. et si pars gravat. per assisam, vel per actionem transgressiones recuperet, vel per veredictum, vel aliquo alio modo per debitam legis formam inveniatur quod pars defendens in terris, et tenementis sic ingressus fuit, vel ea per vim post talem ingressum suum tenuit, recuperet quer. damna sua ad triplam versus talem defen. Et ulterius idem defen. finem et redemptionem dicto Domino Regi fecerit, prout in statuto predicto plenius continetur, quidam tamen A. B. nuper de W. in Com. predicto husbandman et C. D. de eadem labourer, statutum predictum, minime ponderant, nec penam in eodem statuto content. aliquamiter veretes, primo die Februarij Anno Regni Regis Caroli, &c. apud C. in Com. predicto in unum messuagium tunc existent liberam tenement. Roberti W. manu forti ac vi et armis, viz. gladijs, &c. intraverunt et ingressum fecerunt, et predict. Robertum a libero tenemento suo manu forti, ac vi et armis predictis inde sine iudicio expuler. et disseisiver. et L. P. milit. firmar. predicti Robert messuag. predicti, ad tunc et ibidem de predict. mess. expulerunt et ejecerunt et prefatum Robertum sic inde expulsam et disseisit. et pred. L. P. sic eject. a predicto primo die Februarij Anno supradicto usq; diem captionis huius Inquisitionis, de predict. messuag. vi et armis predict. et manu forti extratenuerunt et adhuc extratenent in contemptum dicti Domini Regis nunc et ad grave damnum ipsius Domini Regis, et contra pacem dicti Domini Regis, contra formam statuti predicti, &c.

iusmodi casu edit. & provis. short, and not at large, and then it will referre to one or more statutes as the case requireth.

Or thus upon the statute. s. R. 2.

28. Inquiratur. pro Domino Rege, &c. quod cum in statuto in Parlamento Domini Richardi nuper Regis Anglie secundi, post conquestum apud Westm. Anno Regni sui quinto, tent. edit. inter cetera ordinat. sit, quod nullus fecerit ingressum in aliquas terras sive tenementa, nisi in casu, ubi ingressus datur. per legem, et illo casu non manu forti nec cum multitudine gentium, sed licito et quieto modo tantum, et si quis in contrarium fecerit et inde debite convictus fuerit per imprisonment corporis sui puniatur, et finem ad voluntatem Domini Regis faciat prout in eodem statuto inter alia plenius continetur quia tamen T. H. de I. in Com. predicto Teoman et alij, &c. stat. predict. minime ponderant. 2. die Martij Anno Regni Domini Iacobi, &c. vi et armis, viz. baculis, gladijs, falcastris, et bifurcis, in unum clausum I. C. militis jacent. apud Dale in Com. predicto in quodam loco ibidem vocat H. super possessionem ejusdem I. C. militis ubi ingressus eis, aut eorum alicui non datur per legem ingressum fecerunt, et cent porticas sepium vivar. ipsius I. militis, ad tunc et ibidem crescent radicaverunt evulserunt, et spoliaverunt in dict. Domini Regis nunc contemptum et ad grave damnum ipsius I. C. militis et contra formam statuti predicti, &c.

For such recital of the statute see after in the title indictments.

For

For a Lessee for yeares that is put out the forme upon
the statute of 10. Caroli may be thus.

29. Inquisitio pro Domino Rege capt. apud B. in Com. predict. primo die
Iulij Anno Regni Domini nostri Caroli Dei gratia, Anglia, Francia, et Hi-
bernia, Regis fidei defensoris decimo tertio per sacramentum A. B. C. D. E. F.
&c. coram Iohanne Myles armigero uno Iusticiar. dicti Domini Regis ad pa-
cem in dicto Com. conservandum nec non ad diversa felonias transgressiones,
et alia malefacta in eodem Com. perpetrata audiendum et terminandum as-
signatorum, qui dicunt super sacramentum suum predictum quod A. B. de
C. in Com. predicto gener. seisset fuit in dominico suo ut de scodo, de et in
uno messuagio, &c. cum pertinentijs, in Dale in Com. predicto, et sic sefit. ex-
istent. primo die Augusti. Anno Regni dicti Domini Regis nunc decimo apud
Dale predict. demisit. et ad firmam tradidit predictum messuagium cum per-
tinentijs cuidem C. D. de Dale predict. Teoman pro termino vizint. et unius
annorum ex tunc proxime sequentium plenare complendorum et quod vir-
tute ejusdem dimissionis idem C. D. postea, sc. secundo die Augustij Anno
Regni dicti Domini Regis nunc decimo supradicto, in predictum messuagium,
&c. intravit et fuit inde possessionatus, reversione inde predicto A. B. ex-
pectante, et predictus C. D. possessionem suam predictam inde quiete et pa-
cifice continuavit, quosq; E. F. de Dale predict. Teoman, decimo die Augustij
Anno Regni dicti Domini Regis nunc Anglia, Scotia, Francia, et Hibernia,
tertio, in predictum messuagium, &c. cum pertinentijs vi et armis intravit et
ipsum C. D. a possessione sua inde manus forti et vi armata ejecit et expulsi-
t, et ipsum C. D. sic ejectum et expulsum ab eodem messuagio, &c. cum perti-
nentijs a predicto secundo die Augusti. anno supradicto usq; ad diem captionis
huius Inquisitionis cum huiusmodi fortitudine et potentia armata, extra-
senuit et adhuc extratenet. in magnam pacis dicti Domini Regis perturba-
tionem ac contra formam statuti. in tali casu edit. et provis.

The forme of the Inquisition for Tenant by Elegit that is
forcibly put out may bee thus.

30. Inquisitio pro Domini Rege, &c. as in the next precedent presia-
dent, Qui dicunt super sacramentum suum quod cum A. B. de C. in Co-
mitatu predicto Teoman coram Iusticiarijs Domini Regis nunc de Banco in
Termino sancta Trinitatis Anno Regni sui decimo per iudicium ejusdem
curia recuperavit versus C. D. de Dale in Com. predict. Teoman quoddam
debitum et damna attingentia ad viginti libras ster. et predictus A. B. in
tuturia predicta pro satisfactione ejusdem summe facienda elegit omnia bona
et catalla predict. C. D. preter boves et afros de carruca, sua necnon medietate
omnium terrarum, et tenementorum ejusdem C. D. juxta formam sta-
tuti inde edit. et provis. sibi liberari cumq; etiam T. K. miles nuper viceco-
mes Com. predicti virtute brevis dicti Domini regis de Elegit ex parte dicti
A. B. eidem tunc vicecomiti Com. predict. direct. gerent. dat. primo die Iunii
anno

anno supradicto secundum exigentiam ejusdem brevis deliberabat predicto A.B. unum messuagium in Dale predict. anni valoris viginti solidorum existent medietatem omnium terrarum et tenement. de quibus predict. C.D. tempore judicij predict. redit. aut unquam postea fuit se situs in Com. predicto Tenendum sibi et assignatis suis ut liberum tenementum suum juxta formam statut. in hujusmodi casu provis. donec idem A.B. predict. viginti libras juxta valorem predict. de messuagio predicto levaverit, virtute cujus predict. A.B. in messuagium predict. cum pertinentijs intravit et fuit inde possessionatus, ut tenens per Elegit, et possessionem suam inde quiete et pacifice continuavit quousq; R.G. de D. &c. et alij malefactores ignoti primo die Septembris ultimo preterito vi & armis, viz. baculis, gladijs, arcubus, et sagittis in messuagium predictum, &c. intraverunt, et ipsum A.B. manus forti et vi armata a possessione sua predict. inde ejecerunt, et expulerunt, et eundem A.B. sic expulsam et ejectam ab eodem messuagio, &c. a predicto primo die Septembris usq; ad diem captionis hujus Inquisitionis cum hujusmodi fortitudine et potentia armata, extratenuerunt et adhuc extratenent in magnam pacis dicti Domini regis perturbationem, ac contra formam statut. in hujusmodi casu edit. et provis.

The like president may be made for Tenant by statute merchant or of the staple, or upon a Recognisance *mutatis mutandis*.

The forme of the Inquisition of forceible Entrie for
gardian in Chivalrie may be thus.

31. Inquisitio, &c. ut supra, qui dicunt super sacramentum suum predictum quod A.B. nuper de C. in Com. Dublin predict. Teoman se situs fuit in dominico suo ut de feodo de et in uno messuagio, &c. in Dale in Com. predicto, et sic se sit. existent. obiit inde se sit. post cujus mortem predict. messuagium, &c. discendebat E.B. filio et heredi suo, qui quidem E.B. tempore mortis patris sui predicti fuit et adhuc est infra etatem viginti et unius annorum, et quod custodiam terra et heredis predicti A.B. pertinet. ad G.H. Armiger. Eo quod predictus A.B. terram suam predict. tenuit. de pefat. G.H. per servitium militare, virtute cujus idem G.H. in messuagium predictum, &c. intravit, et fuit inde possessionatus ut gardianus per servitium militare et possessionem suam predict. inde diu pacifice et quiete continuavit quousq; I.K. de Dale predict. Teoman decimo die die Augusti, &c. in mess. pred. &c. vi et armis intravit et ipsum G.H. a possessione sua inde manus forti et vi armata expulit et ejecit, et ipsum G.H. sic expulsam et ejectam ab eodem messuagio, &c. a predicto primo die Augusti anno supradicto usq; ad diem captionis hujus Inquisitionis cum hujusmodi fortitudine, et potentia, armata extratenuit et adhuc extratenet in magnam pacis dicti Domini Regis perturbationem ac contra formam statut. in hujusmodi casu edit. et provis.

The forme of the Inquisition for Tenant by Coppy of Court Roll may be thus.

32. *Inquisitio capta, &c. ut supra, qui iurat. super sacramentum suum predict. dicunt. quod A. B. de C. in Com. predict. Teoman seisitus et possessionatus fuit in dominico suo ut de feodo, ad voluntatem Domini secundum consuetudinem manerij de Dale in Com. predict. de uno mess. &c. in Dale predict. ut tenens per copiam Rotulorum curia ejusdem manerij et sic seisitus et possessionatus existens. seisinam et possessionem suam predict. diu pacifice et quiete continuavit quousq; E. F. de Dale predict. in Com. pred. labourer primo die Augusti anno, &c. in mess. pred. &c. vi et armis, &c. intravit et ipsum A. B. a possessione et seisina sua pred. inde manusforti et vi armat. expulit et amovit et ipsum sic expulsam et amotum ab eodem mess. &c. a predicto primo die Augusti anno supradict. usque ad diem captionis hujus Inquisitionis cum hujusmodi fortitudine et potentia armat. extratenuit et adhuc extratenent in magnam pacis dicti Domini Regis perturbationem ac contra formam statuti in hujusmodi casu provis.*

The warrant to the Sheriffe for making of restitution of possession may be thus.

33. *Iohannes Cotton Miles unus Iusticiar. &c. assignat. vicecom. ejusdem Com. salutem. Cum per quandam Inquisitionem patria coram me apud B. in Com. predicto 19. die Julij, &c. super sacramentum A. B. G. D. E. F. &c. ac per formam statuti de ingressibus manusforti factis in tali casu provis. compertum fuit, quod C. D. &c. et alij, &c. primo die Septembris, &c. in quodam messuagio, &c. A. B. &c. in W. predict. vi et armis ingressi sunt ac ipsum A. B. inde tunc manusforti disseisiverunt, et expulerunt, et predictus A. B. sic expul. a pred. messuag. &c. a predict. primo die Septemb. &c. usq; ad diem captionis Inquisitionis pred. manusforti, et cum potentia, armat. extratenuerunt, prout per Inquisitionem pred. plenius liquet de Record. Ideo ex parte dicti Domini Regis tibi mando et precipio quod (ad hoc debite requisitus) una cum posse comitatus tui (si necesse fuerit) accedas ad mess. et cetera premissa, ac eadem cum pertinentijs reseisire facias, et prefat. A. B. de et in plenam possessionem suam inde, prout ipse ante ingress. pred. fuerat seisitus restitui et mitti, facias, juxta formam dict. statuti. Et hoc nullatenus omittas periculo incumbente, Tette me prefat. Io. Cotton, &c.*

34. The like warrant may be made for Lessee for yeares, Tenant per Elegit, statute merchant or the statute gardian in Chivalry and Coppiholder *mutatis mutandis.*

35. A Certificate of the presentment, or verdict of the Jury may be made into the Kings Bench whereof *vide antea tit. forceible Entry.*

36. The like certificate may be made into the Kings Bench of the Record of a force viewed by the Iustice, whereof *vide antea tit. forceible Entric.*

37. These

37. These two former certificates (and the like) may be done and made by the Iustice of peace by way of a letter inclosing therein the said presentment of the Iury, or the said Record of the Iustice, except the same be removed thither by a *Certiorari*, and then may the Iustice returne them in such manner as appeareth hereafter title *Certiorari* with some litle alteration.

38. Or the Iustice of peace may himselfe deliver into the Kings Bench such presentment found before him or such Record made by him, and that without *Certiorari*, for that he is a Iudge of Record. 3 E. 4. 18.
Br Cor 152.
Crompt. 133.

*The forme of proceeding upon the statute of North-hampton
made in Anno secundo Ed. 3. ca. 3. the effect of which
statute is as followeth, viz.*

39. No man whatsoever (except the Kings servant and Ministers in his presence, or in executing his precepts or their offices, and such as shall assist them, and except it be upon Cry or Proclamation made for Armes, to keepe the peace, and that in places where such Acts doe happen) be so hardy to come before the Kings Iustices, or other his Ministers doing their offices with force and Armes, nor bring any force in Affray of the countrey, nor goe nor ride armed by night, or by day in Faires or Markets, or in presence of the Iustices, or other Ministers, nor in any place elsewhere, upon paine to forfeit his armour to the King, and his bodie to imprison at the Kings pleasure.
2. Ed. 3. cap. 3.

40. Upon this statute, he that is put out, or holden out of his land with force, useth to have at this day a writ directed out of the Chancerie, either to the Sheriffe only (as *Master Fitzh.* in his *Na. Br. fol. 149.* rehearseth it, for I finde it not in the Register of writs) or else *custodi- bus pacis ac vicecomiti & eorum cuilibet* (as the common manner is) commanding that Proclamation be made upon the statute, and that if any be afterwards found offending against the same, they shall be committed to prison, there to remaine untill some other commandement be given concerning them) and that their armour and weapon shall be prised, and the same answered to the use of the Kings Majestic.

41. But forasmuch as that Iustice of peace, (to whom this writ shall be delivered) is to make execution of the same, as a minister only, and is to certifie his doing therein, I thinke good to lend these few helpes towards it.

42. At his comming to the place, where the force is supposed by this writ, he may cause three *O yes* for silence to be made with this or such another Proclamation.

43. The Kings Majesties Iustice of his peace straightly chargeth, and in his Majesties name commandeth all and every person to keepe silence, whilest his Majesties writ upon the statute made at North-
P p 2 hampton,

hampton, in the second yeare of King *Edward* the third his noble Progenitor (delivered to the said Iustice) be read and Proclamation be made thereupon accordingly.

44. Then may he read the writ, or declare the effect thereof, in English.

45. After that let three other o yes be made, and thereupon may this Proclamation follow.

46. His Majesties said Iustice doth in his Highnesse name, and by vertue of his said writ straightly charge and command that no manner of person, of what estate, degree, or condition soever, now being within the house of B. & c. named in the said writ, shall go armed, nor keepe force of armour or weapon, nor doe any thing there or elsewhere in disturbance of his Majesties peace, or in offence of the said statute upon the paines of loosing his said armour and weapon and of imprisoning his body at his Majesties pleasure.

God save the King.

47. This done the Iustice may enter, and search whether there be any force of armour, or weapon worne or borne against this Proclamation, or otherwise he may enquire thereof by a Iury, for so the writ it selfe doth warrant him to doe, and if any such be found hee ought to imprison the offenders, and to seise and apprise the Armour and weapon so found with them, but if (upon the Proclamation made) they doe depart in peaceable manner, then hath hee no warrant by the writ to commit them to prison.

48. But now let me shew him a forme of Certificate (or returne) of this writ into the Chancery, and then make an end.

49. Upon the back of the writ these words may be endorced, viz.

50. *Executio istius brevis patet in quadam scedula eidem brevi consuta.*

The scedule may be thus.

51. *Ego Iohannes Twysden armiger. unus custodum pacis Domini Regis in Com. Dublin certifico, in Cancellariam dicti Domini Regis, quod virtute istius brevis mihi primo deliberati, decimo die Aprilis, Anno, & c. publice proclamari ex parte dicti Domini Regis feci, apud B. Cuius in dicto brevi fit mentio prout in dicto brevi precipitur, & quod quidem A. & D. E. de F. in Com. predict. Labourers. predictam Proclamationem parvi pendentes post Proclamationem predictam ibidem sic factam armati iverunt, ac armatam potentiam ibidem duxerunt, scilicet. duas galeas, unum arcum et decem sagittas, duos gladios et totidem pugiones in perturbationem pacis dicti Domini Regis, ac terrorem populi sui necnon in contemp. status. in dicto brevi specificati manifestum. Ac proinde dict. A. C. et D. E. unacum armaturis suis predict. arrestati ac seisi et eorum corpora ad proximam prisonam dicti Domini Regis in Com. pred. duci feci, ibidem moratus, donec aliud à dicto Domino Rege pro ipsorum deliberatione habuero in mandatis, armaturas etiam eorum predictorum appretiari feci per A. B. C. D. et E. F. de B. predict.*

predict. Yeomen ad hoc juratos. Qui dicunt super sacramentum suum pred. quod predicta dua galea valent decem solid. et quod dict. arcus et decem sagitti valent sex sol. et quod gladij predicti valent viginti sol. et quod dicti pugiones valent quinque solid. et sic quod armatura pred. valet in toto quadraginta et unum solid. de quibus paratus sum respondere secundum tenorem dicti brevis, In cuius rei testimonium huic presenti certificationi meae sigillum meum apposui dat. apud B. pred. die et anno supradictis.

52. By this you have seene, what one Iustice of the peace ought to doe in the execution of this statute as a Minister, and by the same you may also see, what he may doe therein of himselfe *ex officio* as a Iudge, and without any writ brought unto him.

53. For not onely by the plaine words of the statute of Northampton, the wardens of the peace have power (within their wards) and are commanded to execute this Act upon a paine, but also by good implication in the Commission it selfe, every Warden of the peace hath the statute of Northampton committed to his charge, so that both in the matter and manner, the doing is all one saving that, if he doe it as a Iudge, he needeth not to make any Proclamation (the statute being a prohibition in it selfe) nor yet to send any certificate into the Chancery but onely to make his owne Record of that which he shall doe in this behalfe, and thereout to send an estreate into the Exchequer, that the King may be answered of the armour, or of the value thereof.

54. And here (perhaps) the redemption of the imprisonment may be at the discretion of the same Iustice, even as in ¹⁰¹ statutes of 15. R. 2. and 8. H. 6. it seemeth to be, but therein my advise shall be the same that I gave them before; Adjoyning this that in the execution of this statute of Northampton, the Iustice of the peace hath to doe with the removing of the force only, and may not medle with any restitution of the possession.

Riots.

The forme of the Record of a Riot, viewed by the Iustices and Sheriffe or Undersheriffe may be thus.

55. *Memorandum quod vicesimo die Ianuarij anno Regni Domini nostri Jacobi Dei gratia, &c. Nos Iohannes Cuts miles & Iohannes Cage Miles duo Iusticiar. dicti Domini regis ad pacem in Com. predict. &c. assign. & Gulielmus Wyndie Miles ad tunc vicecomes ejusdem Com. ad gravem quarimoniam & humilem petitionem A. B. de C. in dicto Com. Yeoman, in proprijs personis nostris accessimus ad domum mansionalem ipsius A. B. in C. predict. ac ad tunc & ibidem invenimus D. E. F. G. & H. I. de C. predict. Labourers ac alios malefactores, ac pacis dicti Domini Regis perturbatores ignotos ad numerum decem personarum modo guerrino armatos, viz. gladius, pugionibus, galeis, arcubus & sagittis, illicite & riotose aggregatos & eandem domum obsidentes, multa mala in ipsum A. B. comminantes.*

tes, in magnam pacis dicti Domini regis perturbationem ac populi sui terrorem ac contra formam statut. in huiusmodi casu edit. et provis. ac propterea nos prefat. Iohan. Cuts, Iohan. Cage, et Willielmum Wendye predict. D.E.F. G.H.I. &c. tunc et ibidem arrestari ac proximum gaola dicti Domini Regis in Com. pred. duci fecimus per visum et recordum nostrum de illicita congregatione et riot. pred. convictos, ibidem moraturos quousq; finem dicto Domino Regi proinde fecerint, In cuius rei testimonium huic presenti Recordo nostro sigilla nostra apposuvimus, dat. apud C. pred. die et anno, &c.

Lan b. fo. 320.

56. And it a man be slaine, or maimed, or a rescous be done to the officer by the Riotters, then the Record ought to be *riotoſe occiderunt et riotoſe mahimaverunt ac riotoſe rescuſſerunt*, because their athority in this case is restrained to the ryot onely, so as notwithstanding that record, the parties may pleade not guilty to the felony or to the rescous, howsoever for the ryot, they are estopped.

Mittimus.

57. The *Mittimus*, for conveying the Riotters to the gaole may with some few words of change, be made out of that, which is here before, for such a hould by force see hercof paulo antea, amongst the presidents of forceible Entric.

The precept (to the Sheriffe) to returne a Iury for an Inquiry upon a Riot.

Com. Dublin.

58. Iohannes Cuts miles, et Iohannes Cage miles duo Iusticiar. &c. assign. vicecom. eiusdem com. salutem, Ex parte dicti Domini regis tibi precipimus, quod ^{ut} venire facias coram nobis apud I. in com. pred. xvj. die Ianuarij prox. futuro, y. probos sufficientes et legales homines, de Com. pred. quorum quilibet habeat terras et tenementa, infra dict. Com. liberi tenementi per chartam ad ann. valorem vigint. solid. aut per copiam rotulorum curia ad ann. valorem viginti sex solidorum et acto denar. aut per utrunque, ultra omnes reprisas, ad inquirendum pro dicto Domino rege, ac pro indemnitate nostra, in hac parte super sacram. suum de quibusdam illicitis aggregationibus & riotis apud C. in Com. predict. nuper commissus ut dicitur, Et hoc nullatenus omittas sub pena vigint. librarum, quam incurſurus es, si in executione premissor. defeceris, & habeas ibi tunc nomina Iuratorum predict. Et hoc preceptum dat. sub sigillis nostris primo die Ianuarij Anno Regni Dom. nostri Caroli 13. &c.

The forme of the Enquirie, Endictment, or Presentment of the Iury may be thus.

Com. Dublin.

59. Inquisitio pro Domino Rege, &c. (as before in forceible Entries,) coram Iohanne Cutts Milite & Iohanne Cage Milite duo Iusticiar. &c. qui ad hoc Iurati & onerati dicunt super sacramentum suum predict. quod D.E.F.G. & H.I. simul cum alijs malefactoribus & pacis dicti. domini regis perturbatoribus ignotis ad numerum septem personarum, modo guerri- no arraiat. v. & armis, viz. hawberdis, gladiis, arcubus, & sagittis primo

primo die mensis Ianuarij ultimam preterit. apud C. in Com. predict. inter horas octava. et nonam post meridiem ejusdem diei, domum mansionalem A.B. de C. pred. Teoman, scituat. in C. pred. riotose fregerunt et intraverunt, et in ipsum A.B. tunc et ibidem in sultum fecerunt, ac ipsum tunc et ibidem verberaverunt, vulneraverunt et male tractaverunt ita quod de vita ejus desperabatur, in magnam pacis dicti Domini Regis perturbationem et populi terrorem, ac contra formam statut. de Riotis, Routis, et congregationibus gentium illicitis in hujus casu edit. et provis.

60. As for the certificate which ought to be made to the King Certificate and the Councell in case that by this enquiry the truth of the fault and Riot be not found, such certificate may be done in English by way of a letter, comprehending the truth of the whole matter with the certainty of the time, place, and other circumstances of the fact and Riot, together with the certainty of the names of the Riotters, as also of the names of such, who by maintenance, embracery, or otherwise were any impediment to the finding thereof, with their severall misdemeanors, which certificate or letter is to be directed and sent by the said Iustices of peace and Sheriffe, or undersheriffe into the Starchamber or Kings Bench, &c. within one moneth, see antea tit. Riots.

A Traverse to an endictment of a Riot, and the record thereupon.

61. Alias, scil. ad sessionem pacis tentam apud Killmainham in Com. Com. Dublin pred. die Martis proxim. ante festum sancti Mathei Apostoli, anno Regni Domini nostri Caroli Dei gratia, Anglia, Scotia, Francia, et Hibernie Regis fidei defer. &c. coram A.B.C.D. et alijs socijs suis Iusticiar. dicti Domini Regis ad pacem in Comitatu predicto conservandam, necnon ad diversa felonias, transgressiones, et alia malefacta in eodem Comitatu perpetrata audiend. et terminan. assign. per sacramentum duodecem iurator. extitit. presentatum, quod I.L. de &c. R.M. de &c. et T.L. de &c. cum diversis alijs ignotis malefact. et pacis dicti Domini Regis perturbatoribus, modo guerrino armat. unit. et assemblat. vicesimo die Iunij in nocte ejusdem diei ann. &c. vi et armis, viz. bacculis, gladijs, clippeis, pugionibus, falcatris, et alijs armis tam invasivis quam defensivis clausum I.S. armigeri apud C. &c. riotose et routose, fregerunt, et intraverunt, et octo plaustra feni, ad valent. &c. ad tunc et ibidem existent. de bonis et Catallis dicti I.S. ad tunc et ibidem injuste et illicite ceperunt et asportaverunt contra pacem dicti Domini Regis, &c. et contra formam statut. inde edit. et provis. per quod preceptum fuit vicecom. Com. predict. quod non omitteret propter aliquam libertatem quin venire faceret eos ad respondendum, &c. posteaque, scil. predicto die Martis proxim. ante festum sancti Mathei Apostoli anno supradicto coram prefatis Iusticiariis venerunt predicti I.L.R.M. et T.L. in propriis personis suis et habit. auditu iudicament. predict. seperatim dicunt, quod ipsi non sunt inde culpabiles, et de hoc ponunt super patriam, Et A. M. qui pro Dom. rege in hac parte sequitur similiter, &c. Ideo

Ideo veniat inde Iurata, cora. Iusticiarijs dicti Domini Regis ad pacem in Com. predicto assignat. &c. ad sessionem pacis apud Killmainham in Com. predict. die Martis proxim. post Epiphaniam Domini tunc proxim. futur. tenend. Et qui, &c. ad recognoscend. &c. quia tam, &c. idem dies datus est tam prefato A.M. qui sequitur, &c. quam prefatis I.L.R.M. et T.L. &c. ad quam quidem sessionem tent. apud Killmainham predict. in Com. pred. die, &c. coram T.P.G.N. et H.P. Mil. et socijs Iusticiar. dicti Domini Regis, ad pacem in Com. predicto conservand. necnon ad diversa felonias, transgressiones et alia malefacta, in eodem Com. perpetrata, audiendum et terminandum, assignatis venerunt, tam prefatis A.M. qui sequitur, &c. quam prefati I.L.R.M. et T.L. in proprijs personis suis, Et Iuratores predict. per vicecomitem Com. predict. ad hoc impanellati et exacti, viz. I.F. I.G. &c. similiter vener. Qui ad veritatem de premissis dicendam triati et Iurati dicunt super sacramentum suum quod predict. I.L. R.M. et T.L. culpabiles sunt, et eorum quilibet culpabilis est, de transgressionem contemptu, et riot. pred. in indictamento predicto superius specificat. modo et forma prout superius versus eos supponitur, ideo concessum est per curiam quod pred. I.L. R.M. et T.L. capiantur ad satisfaciendum dicto Domino Regi de finibus suis occasione transgressionis contemptus et riotti predict. qui quidem I.L. R.M. et T.L. ad tunc et ibidem presentes in Curia petierunt se ad separales fines suas cum dicto Dom. Rege occasione pred. admitti, et inde ponunt se seperatim in misericordia Dom. Regis, et assessatur fines ejusdem I.L. per Iusticiar. pred. ad tres libras sex solid. et octo denar. et finis ejusdem R. M. assessatur ad vigint. solid. et assessatur finis ejusdem T.L. ad quinq; libr. bona et legalis moneta, ad opus et usum dicti Domini Regis.

Rules and observations concerning aswell Indictments of
forceible Entries and Riots as other Inditements and
presentments.

For the forme of indictments, in cases of forceible Entrie and Riots I have here before set you downe presidents: Neverthelesse for that these indictments be the chiefe foundation whereupon the whole businesse and triall is after to be grounded and built, I thought it not amisse to observe here these few generall rules, aswell concerning the matter as the forme of these, and all other indictments or presentments to be taken before Iustices of the peace.

1. First in these indictments of forceible Entry, and Riots, (as also in all other endictments of felony or trespassse) it is good to say *contra pacem*, or other words to that effect.

37.H.8.ca.8.

2. Also these words, *vi et armis*, viz. *gladijs*, &c. are of necessity to be used in Ireland, especially if the circumstances of the fact doe require them, for these circumstances doe either aggravate or diminish the offence, *Stamf. fo. 94.* because the statute of 37.H.8.ca.8. which maketh them needlesse is not of force in Ireland. But these words *vi et armis*, &c. are needlesse in an Indictment of forceible Entry, because they are implied in the word force.

3. Also

3. Also in indictments founded upon statutes, it is not needfull, ^{co. 484.} nay it is not safe to recite the statute at all, for as the recitall is not necessary, so the misrecitall thereof is fatall to the endictment and maketh it void, but it is safe and sure to draw the endictment with this conclusion, *sc. Contra formam statuti in huiusmodi casu provisi ac editi*, if ^{Dyer 363.} the indictment be founded upon one statute or *contra formam diversorum statutorum in huiusmodi casu edit. et provisi*. without naming any speciall statute where many statutes doe concerne one offence, and where it is ambiguous whether one or more statutes doe concerne the matter in question, the safest way to conclude is *contra formam statuti in huiusmodi casu edit. et provisi*. short, which may referre to one or more statutes, as the case shall require.

4. Yet the offence against the statute must be certainly described in the indictment, and the materiall words in such statute must be fully set downe therein. *Plow. 97.*

5. Also all indictments and presentments being in the nature of declarations for the King against the offenders, ought to containe certainerie, and therefore six principall things be most commonly requisite in all presentments before the Iustices of peace, *viz.*

1. The names and surnames aswell of the parties indicted, as of the parties offended, with the addition of the degree or mystery and dwelling place of the party endicted.

Yet in some cases, an endictment, *quod procuravit personas ignotas*, or *quod bona cuiusdam ignoti cepit, &c.* or the like, may be good, See *Br. Indictments 6. 10. 11.*

2. The time, *scil.* the day and yeare when the offence was done.

3. The place, *scil.* the Towne and County where it was done, as at B. in the County of C.

*Br. Indictment
24. 41. 42.*

4. The name or quality of the thing in which the offence is committed, *viz.* of dead things, it may be *bona, et catalla*, expressing them certainly, of live things *equum, bovem, ovem, &c.* but not *bona, et catalla*, so of entry, &c. into lands, &c. to expresse certainly whether it bee a house, land, medow, pasture, wood, &c.

5. Also the value or price of the thing, is commonly to be set downe, to aggravate the fault.

6. The manner of the fact, *scil.* the manner and nature of the felony or trespassse.

*Br. endictments
7. et 36.*

Also indictments ought to be framed so neere the truth as may be, and the rather for that they are to be found by the Iury upon their oathes.

7. Yea an endictment being *veredictum, id est, dictum veritatis* and a matter of record, ought to set forth all the truth that by Law is requisite, for *de non apparentibus et non existentibus eadem est ratio*, and every part of the endictment materiall ought to be found by the oath of the Iurors, and is not to be supplied by averment.

Co. 4. 47.

Processe.

1. The forme of Processe upon indictments of Trespasse, which also the Iustices of peace out of sessions may in some few cases make out against offenders as it seemeth.

2. As the authority of making processe upon endictments, is given by expresse words in the Commission to the Iustices of peace in their Sessions, so is it given by expresse words in some statutes to the Iustices of peace (yea to one Iustice of peace) out of their sessions to make processe upon endictments found, (before them) against offenders, or upon information against them, as if they were endicted of Trespasse in Sessions, as in cases of forceible Entrie, &c.

3. Also in some other cases, and by some other statutes this authority of making out processe (against offenders) by the Iustice of peace out of their Sessions seemeth to be implied of congruence, or rather of necessity, as where any statute doth give power and authority to the Iustices, or Iustice, of peace out of their Sessions, to enquire, heare, and determine, (as *hic tit. Riots*) *tit. Tyle*, and *tit. Weights*, in these and in all other such cases where the Iustice may enquire, heare, and determine there, after indictment or presentment of the offence, the said Iustice may make out processe against such offenders, to cause the offenders to come and answer, for unlesse the offenders doe come in, either *gratis* or by processe, the Iustices cannot proceed to heare, and determine, againe in the former cases of *Tyle* and *Weights*, as also in all other cases where any statute doth give power to the Iustices of peace, out of their Sessions, to heare and determine, either upon the confession of the offenders, or upon examination of witnesses, in all such cases it seemeth, the Iustices of peace may grant out their warrant against such offenders to appeare before them, to answer to their said offences, and thereupon may proceed to examine, heare, and determine the offence, as being convicted thereof, upon such confession, or examination without any indictment or processe.

Now these processe may be as followeth.

A Venire
facias.

Distringas or
capias.

First if the offender be absent, a *venire facias* shall be awarded by the Iustice or Iustices of peace under his or their owne *teste*, and if thereupon the offender be returned sufficient (and maketh default) then a *distringas* shall be awarded, which *distringas* shall goe forth infinite, till the offender come in, but if a *nihil habet*, &c. be at the first returned, then after the *venire facias*, first a *capias*, then an *alias* and after a *pluries* shall goe forth, and after that an exigent till the party be taken or yeild himselfe, or else be outlawed. And these are the ordinary processe upon all indictments of trespassse against the peace, or of other offences against penall statutes, not being felonies, or a greater

greater offence, but this processe is commonly grounded upon an indictment and is onely to cause the offender to come in, and to make his answer, and therefore if the offender be present and confesse such indictment, information or offence, then needeth there no processe at all, for he shall be committed forthwith to prison there to remaine till he hath payed his fyne, or given sureties for it. 1.H.7.20. Br. Imprisonment 100.

Also these processe shall be alwayes directed to the Sheriffe who is the immediate minister and officer of the King, to execute all processe, except the Sheriffe himselfe, or his officers be parties, but if the Iustice of peace be to grant out processe against the Sheriffe, under-sheriffe, or other officers, offending contrary to the statute 8.H.6.ca.9. It seemeth such processe shall be directed to the Coroners of the County and shall be served by them, and so are diverse bookes, as 2.H.6.fo.12. 8.H.6.fo.30. 9.H.6.11. and 18.Ed.4.fo.7. and others, and so also the oath of the Iustice of peace seemeth to bind them.

Note also that this Processe ought alwaies to be made in the name Br. franchise of the King, and for that the King is a party, it must also be with a *non omittas propter aliquam libertatem, &c.* but the *Teste* thereof may be under the name of the Iustice of peace.

If the offendour be within any liberty or Franchise, yet the Sheriffe is to enter the Franchise, and to execute the Processe himselfe, and not to write to the Bailiffe of the Franchise, because the King is a party, see 41. Assise p. 17. Br. Franch. 18.31.

The formes of these Processe to be made by the Iustice of Peace out of the Sessions seeme to be as followeth.

The *Venire facias* thus.

Iacobus Dei gratia Anglia, Scotia, Francia & Hibernia Rex Fidei Defensor. &c. vicecom. Com. Dublin salut. precipimus tibi, quod non omittas propter aliquam libertatem in balliva tua, quin venire facias A.B. de C. in dicto Com. tuo Yeoman coram R. M. Milite & M. D. armigero duobus Iusticiar. nostr. ad pacem conservand. nec non ad diversa felonias, transgressiones, & alia malefacta in dicto Com. perpetrata. audiend. & terminand. assignat. apud Killmainham in Com. tuo die Maij proxim. futurum ad respondend. nobis super quibusdam articulis super ipsum A.B. presentat. & habeas ibi tunc hoc praeceptum. Teste R.M. apud Killmainham die, &c.

The *Distringas* thus.

Iacobus Dei gratia Anglia, Scotia, Francia & Hibernia Rex fidei Defensor. &c. vicecom. Civitatis Dublin salut. precipimus tibi quod non omittas propter aliquam libertatem in balliva tua, quin eam ingrediaris & distringas A.B. de C. in Com. tuo Yeoman per omnia terras & tenementa

&c. et quod de exitibus eorum respondeas, &c. et quod habeas corpus ejus coram, &c. Iustic. &c. ad respondend. &c. Teste. &c.

The writ of *Capias* thus.

Iacobus Dei gratia Anglie, &c. vicecom. Com. Dublin salutem, precipimus quod non omittas propter aliquam libertatem in balliva tua, quin eam ingrediaris & capias l. D. de A. in Com. tuo Yeoman, &c. si inventus fuerit in balliva tua, & eum solvo custod. facias. Ita quod habeas corpus ejus coram R.M. Milite & M. D. Armigero duobus Iusticiar. nostr. ad pacem conservandam, necnon ad diversa felonias, transgressiones, & alia malefacta in eodem Com. tuo perpetrata, audiend. et terminand. assign. apud L. in Com. tuo die Martis proxim. futur. ad respondend. nobis de diversis transgressionibus contempt. & offens. de quibus ipse indictatus existit & habeas ibi tunc hoc breve, Teste R.M. apud Lynton sexto die Ian. &c. Anno regni nostri, &c. Ad quem diem Willielmus Wendy Miles vicecom. predict. retorn. quod ipse non est inventus in balliva sua, et ipse non venit ideo preceptum est sicut alias, &c.

The *Capias alias*.

Iacobus, &c. vic. &c. precipimus tibi sicut alias tibi precipimus quod non omittas, &c. verbatim ut supra.

Ad quem diem, &c. ut supra, & ipse non venit ideo preceptum est vicecom. sicut pluries, &c.

The party may appeare gratis, and so avoide the Attachment, or arresting of his body, and that is the cause that the Entry is made, & ipse non venit.

The *Pluries capias*.

Iacobus, &c. vicecom. &c. salut. precipimus tibi sicut pluries precipimus, quod non omittas, &c. ut supra.

Ad quem diem Willielmus Wendy Mil. vicecom. predict. retur. quod predict. C.D. non est inventus, &c. & ipse non venit, ideo preceptum est quod exigi facias, &c.

The *Exigent*.

Iacobus, &c. vicecom. &c. salut. precipimus tibi quod exigi fac. C.D. de A. in Com. tuo Yeoman, quousque secundum legem & consuetudinem regni nostri Anglie, utlagatur si non comparuit, & si compar. tunc eum capias & salvo custodiri fac. Ita quod habeas corpus ejus coram R.M. Mil. et M.D. ar. duobus Iusticiar. ad pacem nostram conservand. necnon ad diversa felonias, transgress. et alia malefacta in Com. tuo perpetrata, audiend. et terminand.

nand. assig. apud L. in Com. tuo die Septembris prox. futur. ad respondendum nobis de diversis transgr. contempt. et offensis de quibus ipse indictatus existit, et habeas ibi tunc hoc breve, Teste R. M. apud L. octavo die Septembris, Anno Regni nostri, &c.

Ad quem diem Willielmus Wendy miles vicecom. predict. retorn. quod ad Com. tentum apud Killmainham die Anno regni Domini regis nunc, &c. et sic ad quatuor alios Com. tunc prox. sequent. ibid. tent. predict. C. D. exactus fuit, et non comparuit. Ideo utlagatus fuit.

These Proceſſe are sent forth to the end that either the party shall come, or be brought in to make his answer, and to be justified by the Law, or else that (for his contumacy) he shall be outlawed, and so to be deprived of the benefit of law, but the power of the Justice of peace endeth with the Outlawry, for they can make no *capias utlagatum*, but must certify the Outlawry into the Kings bench. Dalton 369.

Also all such Proceſſe (as well of *capias*, &c. as of Outlawry) may be stayed by a *superſedeas*, issuing from other Justices of peace (out of Sessions) testifying that the party hath come before them, and hath found sureties for his appearance to answer to the indictment or to pay his fyne, &c. Dalton 369.

Note that this authority of the Justice of Peace in sending out these Proceſſe, being out of their sessions is beyond the bounds of their Commission, and againe by the Commission one Just. of Peace alone cannot grant a *capias*, nor other Proceſſe, but two Justices of Peace at the least must doe it, and that sitting in the Court, and in their Sessions, and yet neverthelesse in these former cases, the statutes (expressely, or by necessary implication) giving such authority to the Justices of Peace, or to any Justice alone, and that out of Sessions are a sufficient warrant and Commission to the Justice of peace, as it seemeth. The Commission. 14. H. 7. 8. Bro. peace 6. 7.

Traverse.

After that such Proceſſe, or any other Proceſſe *ad respondend.* be awarded against the party, it seemeth he may come and yeeld himselfe to pay his fyne, or else he may offer his Traverse to the indictment found against him before the Justice of Peace, and the Justice ought to allow him his Traverse against it, which traverse is to take issue upon the chiefe matter of the indictment, or to deny the point of the indictment. Dalton 369.

But although the Justices of Peace have power in some cases as aforeſaid (out of their generall Sessions) to take indictments, and after such indictment found to award proceſſe *ad respon.* against offenders, and to heare, and determine thereof, and the offenders also have liberty to come in and to speake, and answer for themselves, and may offer their Traverse, and that the Justices of peace are to allow of and to receive the same, yet *quare* whether the Justices of peace out

out of their generall Sessions may try such traverse being tendred to them, without which tryall all the rest may seeme idle, or that upon the traverse tendred they must certifie or send the Inquisition or indictment so found before them into the Kings Bench, or unto their quarter or generall Sessions of the peace, there to be tryed and determined, howsoever it is safest (after such traverse tendred) to certifie or deliver such Inquisition or indictment into the Kings Bench or to their next quarter Sessions, and so to referre the tryall of the traverse and further proceedings therein to them.

Certiorari.

The returne of a *Certiorari*, sent to remove an endictment may be thus.

First upon the backside of the writ of *Certiorari* endorse these or the like words.

Executio istius brevis patet in quadam scedula eidem brevi annexa.

And that schedule may be thus.

Ego Mich. Dalton unus Custod. pacis, ac Iusticiar. Dom. Regis ad pacem in dict. Com. Dublin conservand. necnon ad diversa felonias, transgr. et alia malefacta in eodem Com. perpetrata, audiend. et terminan. a sig. virtute istius brevis mihi deliberati indictam. illud (unde in dicto brevi fit mentio) una cum omnibus idem indictamentum tangent. in Cancellar. dicti Domini Regis distincte et aperte sub sigillo meo certifico, In cujus rei testimonium, ego prefatus M.D. his presentibus sigillum meum apposui. Datum die mensis Anno Regni, &c.

Then take the record of the indictment and close it within the schedule and seale, and send them up both together.

Now to shew what is further meet for the Iustices of peace to know concerning this writ of *Certiorari*, and their certifying or returne thereof.

After an endictment found before Iust. of peace, a *Certiorari* is procured by the meanes of some party indicted or grieved, thereby to remove such indictment from the said Iust. and to convey it to Iust. of a higher authority, to the end the party may either traverse such indictment above, or may there avoyd it for insufficiency of forme or matter.

And this *Certiorari* is the Kings writ issuing sometimes out of the Chancery, and sometimes out of the Kings Bench, and may be directed to any Court of Record, or officer of Record (as to a Iustice of peace, Sheriffe, Coroner, or Escheator) to be certified of any Record which is before any of them: and first an *alias* then a *pluries*, and lastly an attachment lyeth against them that should send it, if the Record be not certified accordingly or it seemeth a *sub poena* is used at this day.

If

If it be returneable into the Chancery then are the words in *Cancellaria nostra*, and if into the Kings Bench, then the words are *coram nobis ubicunq; &c. mittatis*.

The *Certiorari* may be sometimes to remove, and send up the Record it selfe, and sometimes but onely the Tenor of the Record (as the words therein be) and it must be obeyed accordingly. Fitz. Na. Br. fo. 245.

If there be variance betweene the *Certiorari*, and the Record which is to be removed, the Iustices need not to certifie such Record. Plow. 393.

A Iustice of peace may deliver, or send into the Kings Bench an endictment found before him, or a Recognisance of the peace taken by him, or a force recorded by him without any *Certiorari*, but if a Iustice of peace having a Record with him, be discharged of his office, now he cannot certifie it without a *Certiorari*, although he be made a Iustice of the peace againe, *See 8. H. 4. fo. 5. Br. Record 64.* Crompton fo. 132. a. and 133. b.

If a *Certiorari* be to send up the indictment of A. in which indictment some others be indicted together with the same A. yet need not the Iustices of peace to make certificate concerning any but A. for although they be named joyntly, yet be they indicted severally, and the King may pardon A. without forgiving the other. *6. E. 4. 5.* 6. Ed. 4. fo. 5.

If a *Certiorari* shall come to the Iustices to remove an endictment and the party sueth not to have it removed, but suffereth it to lye still, yet it seemeth the Iust. of peace ought (*ex officio*) to send it away, because the writ containeth in it selfe a commandement to them so to doe, and so is a *superfedeas*, of it selfe to the Iust. of peace to stay their other proceedings. 9. H. 7. 16. Br. Iudgements 17.

And albeit the *Certiorari* be a *superfedeas* of it selfe, yet may the party upon the *Certiorari* purchased have a *superfedeas* also directed to the Sheriffe, commanding him that he arrest him not, *Fitzh. fo. 237.* in which place also he doubteth whether the Iustices of peace themselves ought not of duty to award their owne *superfedeas* to the same effect, after that the writ of *Certiorari* is brought to their hands. Fitz. Na. Br. 237.

If a *Certiorari* come to the Iustice of peace to remove an indictment and in truth the indictment was not taken till after the date of the *Certiorari*, yet if the indictment be removed thereby, it is good enough, for that they both be the Kings Courts (*1. R. 3. 4.*) and in such case it is now usuall to remove it. Dalton 371.

All the higher Courts at Dublin may write to the Iustices of peace to certifie their Records, that doe make for the tryall of causes in them depending, as you may reade *10. H. 6. 10.* wherethey of the common place did send to the Iustices of peace for an endictment, because in a writ of conspiracy brought before them, it was materiall to have it.

In some cases the Iustice of peace may certifie a Record by him made, or found before him out of Sessions without any writ of *Certiorari* therefore to him directed, *vide antea tit. forceible Entrie.* Dalton fo. 372.

In other cases he must of duty certifie the proceedings, but may spare

spare to certifie the Record untill a *Certiorari* come to him for it, see hereof *antea* title *Surety for the peace*.

For the manner of the writ of *Certiorari*, to remove Records from one Court to another, or from the Iust. of peace or other officers of Record, to any the higher Courts of Dublin, &c. there are diverse formes and sorts thereof, as you may see in *Fitz. Na. Br. fo. 242. &c.*

I will onely set you downe one forme for all.

The forme of a *Certiorari* out of the Chancery, to certifie a Recog. taken by a Iustice of peace in the Country, for the keeping of the peace.

Iacobus Dei gratia, Anglia, Scotia, Francia, et Hibernia, Rex fidei defensor, custodibus pacis nostrae in Com. Dublin. et eorum cuilibet salutem, volentes certis de causis Certiorari, super tenorem cujusdam securitatis pacis, vel boni gestus qua. A.H. ar. invenit coram vobis vel aliquo vestrum, de eo quod ipse damnum vel malum aliquod R.S. vel alicui alij de populo nostro, de corpore suo nec faceret, nec fieri procuraret quovismodi vobis mandamus quod tenorem securitatis pacis sive boni gestus predict. nobis in Cancellar. nostr. in octabis purificat. beatae Mariae virginis prox. futur. ubicunq; tunc fuerit, sub sigill. vestr. vel unus vestrum distincte et aperte sine dilatione mittatis et hoc sub pena centum librarum nullatenus omitteris nec aliqu. vestr. omittere. Teste meipso apud Dublin die Novembris Anno Regni nostri, &c.

The returne hereof, See *antea* titulo *Surety for the peace*.

Concerning
the surety of
the peace,

When a writ of *supplicavit* which in old time was called *breve de minis* as appeareth by the Register directed out of the Chancery, is delivered to a Iustice of peace, he is to direct his precept or warrant to compell the party upon that writ, to finde surety for the peace as appeareth by *Fineux* chiefe Iustice in *21.H.7. fol. 20.* the forme of which precept or warrant may be thus in English.

Com. Dublin.

George Multon one of the Iustices of peace of our soveraigne Lord the Kings Majestie, within the County of Dublin, to the Sheriffe of the said County, and to all the high Constables of the severall baronies within the said County, and to all petty Constables and all and singular other the Kings Majesties Bailiffes and other ministers, as well within liberties as without in the said County, and to every of them greeting. Know yee that I have received the commandement of our said soveraigne Lord the King by his Majesties writ of *supplicavit* in these words, reciting the whole writ of *supplicavit*, which is not alwayes of one forme, because it is sometimes directed to all the Iustices of the peace, sometime to them and the Sheriffe, and sometimes to one Iustice alone, or reciting only the effect of the *supplicavit* thus.

Know yee that I have received the commandement of our said soveraigne Lord the King by his Majesties writ of *supplicavit*, to compell A. B. of D. in the said County *Yeoman* to finde sufficient sureties for his Majesties peace by him to be kept toward C. D. of the

the same Towne of Dale in the said County Taylor, and therefore on the behalfe of our said soveraigne Lord I command and charge you joyntly and severally that immediately upon the receipt hereof you cause the said A.B. to come before me at my house in Dale in the County aforesaid, to finde sufficient surety and mainprise for the peace to be kept towards our said soveraigne Lord, and all his liege people and especially towards the said C.D. and if the said A.B. shall refuse thus to doe, that then you him safely convey, or cause to be safely conveyed, to his Majesties gaole in the said County, there to remaine untill he shall willingly doe the same, so that he may be before the Iustices of the peace of our soveraigne Lord within the said County at the next generall Sessions of the peace to be holden for the said County, there to answer to our said soveraigne Lord, for his contempt in this behalfe, and see that you certifie your doings in the premisses, to the said Iustices at the said Sessions bringing then thither this precept with you, Given at dale under my seale the fourth day of, &c.

*The forme of the Recog. of the peace to be taken upon the
said writ of Supplicavit.*

*Memorandum quod quarto die Iulij anno Regni Domini nostri Caroli com. Dublin
Dei gratia, Anglia, Scotia, Francia, et Hibernia, Regis fidei defensoris, &c.
A.B. de E. in Com. Dublin predict. Yeoman, in propria persona sua, virtute
brevis dicti Domini Regis de Supplicavit apud S. in Com. pred. venit coram
me I.L. Milite, uno Iusticiar. dicti Domini Regis, ad pacem in dicto Com.
Dublin conservandam, assignatorum et assumpsit pro seipso sub pena viginti
librarum et H.I. de L. in Com. predicto Yeoman et I.F. de M. in eodem Com.
husbandman tunc et ibidem in proprijs personis suis similiter vener. coram
me, et manuceperunt pro predicto A.B. viz. quilibet eorum separatim sub
pena decem librarum quod idem A.B. custodiet pacem dicti Domini Regis
erga ipsum Dom. Regem et cunctum populum suum, et precipue versus C.D.
de E. Yeoman, et quod damnum vel malum aliquod corporale aut gravamen
prefato C.D. aut alicui de populo dicti Domini Regis quod in lesionem aut
perturbationem pacis ipsius Domini Regis cedere valeat, quovismodo non
faciet nec fieri procurabit (or otherwise as the writ of supplicavit shall
require) quam quidem summam viginti librarum pred. A.B. et quilibet
manuceptorum predictorum pred. sepeales summas decem librarum separa-
tim recognover. se debere dicto Dom. Regi de terris et tenementis bonis &
catallis quorumlibet et cujuslibet eorum ad opus dicti Domini Regis heredum
et successorum suorum fieri et levare, ad quorumcunq; manus devenerint si
contigerit ipsum A.B. premissa vel eorum aliquod in aliquo infringere et
inde legitimo modo convinci. In cujus rei testimonium ego pred. I.L. sigill.
meum apposui datum, &c.*

And this may be done also by a single Recognisance in latine with
a Condition added or endorsed in english in manner following.

Com. Dublin,

Memorandum quod die, &c. Anno Regni, &c. virtute brevis Domini Regis huic Recognitioni annexat. apud T. in Com. Dublin predict. venerunt coram me Henrico Martin Ar. uno Iusticiar. dicti Dom. Regis ad pacem in Com. predicto conservandam assignat. T. H. de K. in Com. predict. Yeoman et I. S. de L. in eodem Com. husbandman, et manuceperunt et uterq; eorum separatim manucepit sub pœna decem librarum legalis moneta Anglia pro W. S. de H. in Com. pred Taylor, et pred. W. S. assumpsit pro seipso sub pœna vigint. librarum consimilis moneta Anglia quas quidem sepeales summas recognoverunt, et quilibet eorum ut predicatur recognovit se debere dicto Domino Regi, de terris et tenementis bonis et Catallis suis, fieri et levare, ad opus dicti Domini Regis heredum et successorum suorum, si pred. W. S. defecerit in performance conditionis infra scripti.

The Condition of this Recognisance is such that if the above bounden I. S. shall keepe the peace of our soveraigne Lord the King, towards the Kings Majestie and to all his liege people, and especially towards A. B. of C. aforesaid Yeoman, that then the said Recognisance to be voyd or else, &c.

This Recognisance of the peace being thus taken by vertue of a *supplicavit*, the Iustice of peace being in this case but a Minister, and not a Iudge, must make returne of the writ and a certificate of his doing therein into the Court from whence the *supplicavit* did issue in this forme following, viz. upon the backe of the writ of *supplicavit*, he must write thus.

Executio istius brevis patet in quadam scedula eidem brevi annexa,
and then subscribe his name to it.

The schedule may be thus, which must be fixt to the writ
of *supplicavit*.

Ego T. F. miles annus custodu. pacis Dom. Regis in Com. Dublin certifico in Cancellariam dicti Domini Regis, me virtute istius brevis mihi per A. B. in eodem brevi nominat, primo deliberat. personaliter coram me die, &c. apud Dale in Com. pred. venire fecisse T. R. in dicto brevi nominat. ac eundem T. ad sufficientem securitatem et manucaptos pacis inveniendam secundum formam dicti brevis, viz. ad pacem Domini Regis erga ipsum Dom. Regem et cunctum populum suum et precipue, &c. (as the writ shall appoint) compulisse, In cuius rei testimonium huic presenti certificationi sigillum meum apposui, datum apud D. in Com. pred. die, &c. Anno Regni dicti Dom. Regis, &c.

The like certificate may be made into the Kings Bench if the
writ of *supplicavit* issue out of that Court
mutatis mutandis.

And if a *Certiorari* be directed out of the Chancery to the Iustice of peace, for removing this Recog. because it was not sent up together

ther with the certificate as there is no necessity it should be, then that writ must be returned in this manner, viz.

Upon the backe of the writ the Iustice of peace must write thus:

Virtute istius brevis, Ego P.H. unus custodum pacis Domini Regis, in Com. Dublin, tenorem securitatis pacis unde infra fit mentio, dicto Domino Regi in Cancellariam suam sub sigillo meo distincte et aperte mitto, prout patet in schedula huic brevi consuta: And the Iustice must hereunto subscribe his name.

The schedule must be thus.

Memorandum quod vicesimo die Iulij, &c. reciting the whole Recogn. de verbo in verbum, and then conclude, in cuius rei testimonium ego predictus P.H. sigillum meum apposui dat. &c.

The like may be made into the Kings Bench *mutatis mutandis*, if the writ issue out of that Court.

If the *supplicavit* be against diverse, and the party that prosecuteth the same, will release his prayer of the peace against one of them, then the release ought to be certified for him, and the writ must be served for the rest, or else *non est inventus* may be certified for him that is released, and the writ served for the rest.

The forme of the Release may be thus.

Memorandum quod primo die Augusti, &c. C.D. de E. in brevi de sup- com. Dublin? plicavit huic Relaxationi annex. nominat, venit coram me P.H. un. Iusticiar. ad pacem in Com. predict. conservand. &c. et gratis remisit et relaxavit quantum in se est securitat. per ipsum coram me versus supra nominatum C.D. petitam. In cuius rei testimonium ego prefatus P.H. sigillum meum apposui datum, &c.

The forme of a *superfedeas* (by a Iustice of peace) upon a writ of *supplicavit* against an Infant.

A.B. armiger, unus Iusticiar. Dom. Regis Caroli Dei gratia, &c. ad pacem com. Dublin? in Com. Dublin predict. conservandam assignatorum vicecom. ejusdem Com. ac omnibus et singulis Ballivis, Constabularijs, ceterisque dicti Domini Regis Ministris, tam infra libertat. quam extra, in Com. predict. salut. Sciatis quod breve dicti Domini Regis recepi, in hac verba, Iacobus, &c. (reciting here all the writ verbatim) et quia I.B. de, &c. I.S. de, &c. et prefat. C.A. coram me prefato A.B. personaliter comparuer. et predictus I.B. et I.S. manuceperunt pro predicto C.A. qui infra etatem 21. annorum existit, viz. quilibet manucaptor. predictor. in 20. l. quas recognover. se deber. dicto Domino Regi, ac concess. de terris et tenementis, bonis, et catallis suis, ad opus dicti

Domini regis levand. viz. quod predict. C.A. damnum vel malum aliquod, alicui de populo dicti Domini Regis de corpor. suis, vel de incendio domor. suarum non faciet nec fieri procurabit quovismodo ideo ex parte dicti Domini regis vobis et cuilibet vestrum mando, quod de coarctan. aut attachand. dictum C.A. ad inveniendam aliquam securitatem pacis per ipsum observand. erga dict. Dom. Regem, et cunctum populum suum, seu alicui de eodem populo suo, coram vobis seu aliquo vestrum inveniend. supersed. seu supersed. fac. omnino & si ipsum C.A. occasione predict, & non alia ceperitis seu capi mandaveritis, & in prisona ipsius Dom. regis sub custodia vestra detineritis, tunc ipsum a prisona in qua detinetur sine dilatione deliber. fac. Teste me presat. A.B. 20. die Novembris, Anno regni dicti Dom. regis, &c.

A Justice of Peace may also by vertue of his office, and as he is a Iudge command this surety to be found, and this hee may doe either of his owne motion and discretion, or else at the request and prayer of another.

When it is at the Prayer of another he may make out his precept or warrant in this forme following.

Com, Dublin, Charles by the grace of God King of England, Scotland, France and Ireland Defendor of the Faith, &c. To our Sheriffe of the County of Dublin, the Constable of the Barony of Castleknock, and to all and singular our Bailiffes and other our ministers in the said County aswell within liberties as without, greeting. Forasmuch as A. B. of Kilmainham, yeoman, hath personally come before George Bring of the said Towne Esquire, one of our Iustices of the peace within the said County, and hath taken a corporall oath that hee is afraid that one C. D. of Killmainham in the said County yeoman, will beat, maim, wound or kill him, or burne his houses, and hath therewithall prayed surety of the peace against the said C. D. Therefore we command and charge you joyntly and severally that immediately upon the receipt hereof you cause the said C. D. to come before the said G. B. or some other of our Iustices of the said County to finde sufficient sureties and mainprise aswell for his appearance at the next quarter Sessions of our peace to be holden in the said County, as also for our peace to be kept towards us, and all our liege people and chiefly towards the said A. B. that is to say, that he the said C. D. shall not doe, nor by any meanes procure or cause to be done any of the said evils to any of our said people, and especially to the said A. B. And if the said C. D. shall refuse thus doe, that then immediately without expecting any further warrant, you him safely convey or cause to be conveyed to our common gaole in the said County, there to remaine untill he shall willingly doe the same, so that he may bee before our said Iustices at the said next generall Sessions of the peace

to

to be holden in the County aforesaid, then and there to answer unto us for his contempt in this behalfe; And see that you certifie your doing in the premisses to our said Iustices at the said Sessions, bringing then thither this precept with you: witnesse the said G.B. at Killmainham aforesaid the fourth day of August. &c.

The like warrant may be in the name of the Iustice of peace himselfe in this forme following, viz.

A. B. Knight, one of the Iustices of the peace of our Sovereigne Lord the King within the County of Dublin, To the Sheriffe of the said County, To the Constable of the Barony of C. and all other Constables, Bailiffes, and other his Majesties officers in the said County aswell within liberties as without, greeting. Forasmuch as B. A. the wife of W. A. of D. in the said County Labourer hath required suretie of the peace against T. B. of the said Towne of D. Butcher, and withall hath taken her corporall oath before me, that shee requireth the same not for any private malice, hatred, or evill will, but simply that she is afraid of her life, or the hurting or mayming of her body or the burning of her houses; These are therefore to will and require you, and in his Majesties name to charge and command you, that immediately upon the sight hereof, you or one of you require the said T. B. to come before me, or some other of the Kings Majesties Iustices within the said County to finde sufficient sureties, aswell for the appearance at the next generall quarter Sessions of the peace to be holden for the said County, as also that the said T. B. shall in the meane time keepe the Kings Majesties peace, aswell towards his said Majestie, as towards all his liege people, and especially towards the said B. A. and if he shall refuse so to doe, that then immediately you doe arrest and convey the said T. B. or cause him to be conveyed to his Majesties gaole of the said County, there to remaine untill he shall willingly doe the same, and see that you certifie your doings in the premisses to the Iustices at the said Sessions, and have you there this warrant dated at, &c.

The forme of the Recognisance of the peace may be thus.

Memorand. quod die Anno regni Domini nostri Caroli Dei gratia, &c. R. P. de E. in Com. Dublin. predict. Yeoman, in propria persona sua apud F. in Com. predict. venit coram me Rogero Thorne, Armigero uno Iusticiar. dicti Domini Regis ad pacem in dicto Comitatu conservandam assignat. & assumpsit pro seipso sub pena viginti librarum. Et H. I. de L. in Com. predicto Yeoman & M. N. de &c. Husbandmen tunc & ibidem in propriis personis suis similiter venerunt, & manuceperunt pro predicto R. P. viz. quilibet eorum separatim sub pena decem librarum, quod idem R. P. personaliter comperebit coram Iusticiariis dicti Domini Regis ad

ad pacem ad proximam generalem Sessionem pacis in Com. predict. tenend. ad faciend. & recipiendum quod ei per Curiam tunc & ibidem injungetur, & quod ipse interim pacem dicti Domini regis custodiet, erga ipsum Dominum regem & cunctum populum suum & precipue versus M. N. de D. predict. Yeoman, & quod damnum vel malum aliquod corporale aut gravamen prefato M. N. aut alicui de populo dicti Domini Regis, quod in lesionem aut perturbationem pacis ipsius Domini regis seu prefati M. cedere valeat, quovis modo non faciet nec fieri procurabit, quam quidem summam viginti librarum predictus R. P. & quilibet manucaptorum predictorum predictas seperales summas decem librarum recognoverunt se debere dicto Domino Regi de terris & tenementis, bonis & Catallis suis, quorumlibet & cujuslibet eorum ad opus dicti Domini Regis heredum & successorum suorum fieri & levare, ad quorumcunque manus devenerint, si contigerit ipsum R. P. premissa vel eorum aliquod in aliquo infringere, & inde legitimo modo convinci. Datum apud, &c.

Or the like may be upon a single Recognisance with a Condition in forme following.

com. Dublin,

Memorand. quod die Anno Regni Domini nostri Caroli Dei gratia, &c. venerunt coram me M. D. uno Iusticiar. &c. assignat. T. H. de W. in predicto Com. Dublin Yeoman, & I. S. de iisdem villa & Comitatu Husbandman & manuceperunt & uterque eorum separatim manucepit sub pena quinquę librarum legalis monete Anglia pro W. S. de W. predict. Taylor, Et predictus W. S. assumpsit pro seipso sub pena decem librarum consimilis monete Anglia, quas quidem seperales summas recognoverunt & quilibet eorum ut predictur recognovit se debere dicto Domino Regi de terris & tenementis, bonis & Catallis suis fieri & levare, si predictus W. S. defecerit in performance conditionis subsequentis.

The Condition of this Recognisance is such, that if the above bounden W. S. shall personally appeare before the Iustices of our said Sovereigne Lord the King at the next general Sessions of the peace to be holden in the said County of Dublin, to doe and receive that which by the Court shall be then and there enjoyned him, and in the meane time doe keepe the peace of our said Sovereigne Lord the King towards the Kings Majestie and all his liege people, and especially towards A. B. of C. in the County aforesaid Yeoman, That then the said Recognisance to be voide, or else, &c.

The forme of a Superseedeas for the peace may be thus.

com. Dublin,

A. B. Esquire, one of the Iustices of peace of our Sovereigne Lord the Kings Majestie within the County of Dublin, To the Sheriffe, Bailiffes, Constables, and other the faithfull ministers, and subjects of our said Sovereigne Lord within the said County, and to every of them sendeth greeting.

Foras-

Forasmuch as A.B. of &c. Yeoman hath personally come before me at, &c. and hath found sufficient surety (that is to say, C.D. and E.F. &c. Yeomen, either of which hath undertaken for the said A.B. under the paine of Twenty pounds, and the said A.B. hath undertaken for himselfe under the paine of forty pounds) that he the said A.B. shall well and truly keepe the peace, towards our said Sovereigne Lord, and all his liege people, and especially towards G.H. of &c. Yeoman. And also that he shall personally appeare before the Iustices of the peace of our said Sovereigne Lord, at the next generall Sessions of the peace to be holden for the said County of Dublin, Therefore on the behalfe of our said Sovereigne Lord, I command you, and every of you that you utterly forbear and surcease to arrest, take, imprison, or otherwise by any meanes for the said occasion, to molest the said A.B. and if you have, for the said occasion, and for none other taken or imprisoned him, that then you do cause him to be delivered, and set at liberty without further delay. Given at D. under my seale this last of Iuly, &c.

The supersedeas is good though it name neither the sureties nor the summes.

The forme of the precept or warrant for the good behaviour may be thus.

I. S. Knight, one of the Iustices of peace of our Sovereigne Lord the Kings Majestie, within the County of Dublin, To the Sheriffe of the said County, and to all high Constables, petty Constables, and to all and singular Bailiffes, and other his Majesties Officers, and Ministers aswell within liberties as without, in the said County and to every of them greeting. Forasmuch as A.B. of &c. in the said County labourer is not of good name or fame, nor of honest conversation but an evill doer, a Riotter, Barretor, and perturber of the peace of our said soveraigne Lord, I command you and every of you, that immediately upon sight hereof, you cause the said A.B. to come before me, or some other of my fellow Iustices to finde sufficient surety and mainprise aswell for his good abearing towards our said soveraigne Lord, and all his liege people untill the next generall Sessions of the peace to be holden in the said County, as also for his appearance then and there, and if he shall refuse so to doe, that then immediately, without expecting any further warrant, you him safely convey or cause to be safely conveyed to his Majesties gaole in the said County, thereto remaine untill he shall willingly doe the same, so that he may be before his Majesties Iustices at the said next generall Sessions of the peace to be holden in the said County, then and there to answer for his contempt in this behalfe, and see that you certifie your doings in the premises to the said Iustices, at the said Sessions, bringing then thither this precept with you dated at, &c.

concerning the good behaviour.

Or it may be thus.

1. S. Esquire, one of his Majesties Iustices, &c. (as in the next precedent president) Forasmuch as I have beene credibly informed that A.B. of C. in the said County labourer, is a man of evill behaviour, one that dayly moveth discord, strife, and dissention amongst his neighbours, and a common perturber of his Majesties peace: These are therefore in the Kings Majesties name to command you, &c. as in the former president.

This warrant for the good behaviour, although it may be granted by one Iustice of peace alone, yet it is usually granted by two and may be also in Latine in this forme following.

Iohannes Payton Miles et Willielmus Woodhouse Miles Iusticiarij Dom. Regis nunc ad pacem in Com. Dublin conservandam assignat. vicecom. Com. predict. nec non omnibus et singulis Ballivis, Constabularijs ceterisque dicti Domini regis ministris, tam infra libertat. quam extra, in eodem Comitatu salutem. Quia datum est nobis intelligi per relationem et testimonium multorum fide dignorum Com. predict. quod A.B. de C. in Com. pred. generosus, et C.A. de eadem Tecoman non sunt bonorum nominis, et fama nec conversationis honesta sed mala fama et mali gestus, ac mala dispositionis, Barratores, et pacis dicti Domini Regis perturbatores, Ita quod veresimilis sit murderum, homicidium, lites, discordias et alia gravamina et damna, interliges dicti Domini Regis, de corporibus suis pretextu, premissorum indies oriri, Ideo ex parte dicti Domini Regis, vobis et cuilibet vestrum precipimus, quod non omittat. propter aliquam libertatem in Com. pred. quin attachatis, seu unus vestrum attachiat, pefat. A.B. et R.A. Ita quod habeat, eos coram nobis seu alijs sociorum nostrorum Iusticiarij dicti Domini Regis ad pacem in Com. predict. conservandam, ad proximam generalem sessionem pacis in eodem Com. tenend. ad inveniend. tunc coram nobis (vel dictis Iusticiarijs) sufficientem securitatem de se bene gerend. erga dict. Dom. Regem et cunctum populum suum, juxta formam statut. inde edit. et provis. sub certa pena eis per nos vel per pefat. Iusticiar. tunc imponend. Et hoc nullatenus omittatis periculo incumbente. Et habeat, coram nobis vel dictis Iusticiarijs apud sessiones predict. hoc preceptum. Testibus nobis pred. I.P.W.W. ultimo die Iulij anno regni dicti domini nostri Caroli Dei gratia Anglia, &c.

Upon good sureties taken for the good behaviour, a *Superseas* may be granted for the good behaviour as well as for the peace, and the same may be in the same forme, as the *superseas* for the peace is *mutatis mutandis*.

well by reason of his imprisonment as also for that otherwise he may be outlawed before the Sessions, if the Iustice of peace, might not take sureties of him for his appearance. Dalton 333.

And Master *Crompton* is of opinion that these may be granted by any one Iustice of peace, with whom agreeth the booke of Entries, *Crompt. 334.* but Master *Lamberd* thinketh it not in the power of any one Iustice of peace, to grant such *supersedeas* at this day, but that it must be done *li. intr. 601* by two Iustices at the least, and the one being of the *Quorum*, nevertheless for that I finde the old presidents to run in the name of one Iustice of peace alone, I have drawne these accordingly, notwithstanding I would advise the joyning of two Iustices herein, the one to be of the *Quorum*, if they may conveniently be gotten.

A Supersedeas de capias indictatum de transgressionem.

Iohannes Richardson sacre Theologie doctor, unus Iusticiar. dom. regis nunc ad pacem in Com. predicto conservandam, necnon ad diversa felonias, transgressionem, &c. in eodem Com. audiend. & terminand. assignat. vicecom. Comitatus predicti salutem. Quia C.D. de A. in Com. predicti. Yeoman apud Dale in Com. predicti. venit coram me & invenit sufficien. manucaptores essendi coram Iusticiar. dicti Domini regis ad pacem in Com. predicti. conservandam necnon ad diversa felonias, transgressionem, &c. in dicto Com. audiend. & terminand. assignat. ad proximam generalem sessionem pacis apud C. in Com. predicto tenend. ad respondend. dicto domino regi de quibusdam transgr. contemptibus & offensis, unde indict. existit. Ideo ex parte dicti domini regis tibi precipio quod de capiend. prefat. C.D. seu ipsum imprisonand. aut eum ea ex causa aliquant. molestand. omnino supersed. & si eum ea ex causa, & non al. ceperis, tunc ipsum sine dilatione deliber. facias. Teste me prefato Iohanne Richardson tal. die & Anno, &c. Com. Dublin.

Alias quia invenit plegios pro fine.

Samuel Collins sacre Theologie doctor unus Iusticiar. dicti dom. regis ad pacem in Com. predicto conservandam necnon ad diversa felonias, transgress. & alia malefacta in eodem Com. audiend. & terminand. assignat. vicecom. Com. predicti, ac omnibus & singulis Ballivis, Constabulariis, ceterisque dicti Domini regis ministris, tam infra libertates quam extra in Com. predicto salutem, licet nuper per breve dicti Dom. regis vobis seu uni vestrum preceptum fuit, quod caperetis seu unus vestrum caperet A. B. de S. in Com. predicto Yeoman, si inventus fuerit in eodem Comitatu & ipsum salva custod. Ita quod haberetis seu unus vestrum haberet corpus ejus coram custodibus pacis, ac Iust. dicti Domini regis ad pacem in Com. predicto (necnon ad diversa felonias, transgressionem, & alia malefacta in eodem Com. audiend. & Terminand. assignat.) apud Killmainham tali die ad respondend. dicto domino regi de contemptibus & transgressionibus unde, coram dictis Iusticiariis indictatus existit, quia modo predictus A. B. apud Dale Com. Dublin. *Crompt. 334.*

Dale in Com. predict. venit coram me & invenit sufficientem plegios pro fine suo, cum dicto domino Rege pro premisis faciend. Ideo ex parte dicti domini regis vobis conjunctim & divisim mando, quod ad executionem brevis predicti ulterius fac. supersedeas omnino, & si ipsum A.B. ea occasione & non alia ceperitis, & in prisona dicti Domini regis detineritis tunc ipsum sine dilatione ab eadem deliber. fac. seu unus vestrum deliber. faciat. & habeatis seu unus vestrum habeat hoc preceptum ad sessionem predictam. Dat. &c. die August. Anno regni Domini nostri Caroli dei gratia, &c.

Another Supersedeas de capias pro fine.

Com. Dublin.

Cromp. 234.

Henricus Vernon ar. unus Iusticiariorum dom. regis nunc ad pacem in Com. Dublin conservand. assignat. vicecom. Com. predict. salutem, quia C.D. de A. in Com. predict. Yeoman, apud Dale in Com. predict. venit coram me, & invenit sufficien. manucaptos essendi ad prox. generalem sess. pacis in Com. predict. tenend. ad faciend. finem cum dicto Domino rege, pro quibusdam transgressionibus, contemptibus, & offencis, unde indictatus existit, Ideo tibi precipio quod de capiend. prefat. C.D. imprison. seu ipsam ea occasione aliquant. molestand. omnino supersed. & habeas ibi tunc hoc preceptum. Teste me, &c.

A Supersedeas de Capias indictat, de feloniam.

Com. Dublin.

Cromp. 234.

Franciscus Brakin armiger, unus Iusticiar. Domini Regis, nunc ad pacem in Comitatu predicto conservand. assign. vic. comitat. predict. Necnon omnibus & singulis ballivis, Constab. ceterisque dicti Domini regis ministris tam infra libertates quam extra in dicto comitatu salutem: Quia A.B. de C. in Com. predict. Husbandman, venit coram me, & inven. sufficient. securit. essendi coram Iustic. dicti domini regis ad pacem in Com. predict. conservand. Necnon ad diversa felonias, transgr. & alia malefacta in eodem Com. audiend. & terminand. assign. ad prox. general. sess. pacis in Com. pred. tenend. ad respond. dicto Domino regi, de divers. felon. & transgr. unde coram eis indict. existit, Ideo ex parte dicti Dom. regis vobis & cuilibet vestrum mando, quod de capiend. prad. A.B. ea ex causa supersed. omnino. dat. &c.

Cromp. 235.

Supersedeas de exigi facias de feloniam.

Carolus, &c. vic. Com. Dublin, salutem. Quia C.D. de A. in com. tuo Yeoman, venit coram E.F. &c. & invenit sufficien. manucaption. essendi coram custod. pacis nostra apud C. tali die tenend. ad respond. nobis de quibusdam felonijs unde indictatus est, Ideo tibi precipimus quod de ulterius exigend. prefat. C.D. ad aliquod Comitatu tuum, vel imprisonand. siue ipsum ea occasione aliquant. molestand. omnino supersed. & habeas ibi tunc hoc breve. Teste Roberto Castle apud H. tali die & anno.

Severall other Presidents.

A generall warrant for misdemeanor.

To the Constables of, &c.

These are to will and require you, and in his Majesties name Com. Dublin. straightly to charge and command you, and either of you, that immediately upon the sight hereof (or upon Monday next by eight of the clocke in the forenoone) you bring *I. H.* of your said Towne Butcher, before me to answer unto such matters of misdemeanor, as on his Majesties behalfe shall be objected against him. And hereof faile ye not at your perill. Dated at, &c.

Another for Misdemeanor.

These are to will and require you, &c. That immediately upon the sight hereof, you attach the bodies of *A. B.* and *C. D.* &c. or of all and every the persons hereunder named, And to bring them forthwith before me, to answer unto such matters of misdemeanor as on his Majesties behalfe shall bee objected against them. And hereof faile ye not at your perils. Dated &c.

A warrant for one who hath dangerously hurt another.

Forasmuch as I am credibly informed, that *I. B.* of your Towne Com. Dublin. Blacksmith, hath now lately dangerously hurt one *T. G.* of your said Towne husbandman, by a blow which he hath given the said *T.* on the face, and another on the backe, so as the said *T.* is in danger of death thereby; These are therefore in the Kings Majesties name straightly to charge and command you, that immediately upon the sight hereof you or one of you doe bring the said *I. B.* before me, or some other his Majesties Iustices of the Peace of this County, to finde sufficient sureries aswell for his appearance before the Kings Majesties Iustices, at the next generall Gaole delivery to bee holden for this County, then and there to answer unto the premisses; As also that he the said *I. B.* shall in the meane time keepe the Kings Majesties peace towards his said Majestic, and all his liege people, and especially towards the said *T. G.* And hereof faile you not at your perils. Dated &c.

A warrant for a generall search for Rogues.

To the high Constables of the Barony of, &c.

These are in the Kings Majesties name to charge and command Com. Dublin. you, that you [redacted] with the petty Constables of the severall Townes, Parishes, and Hamlets, within your Barony (taking sufficient assistance out of the said Townes) doe make a generall privy search

What the Ju.
shall doe with
them, see infra
the title
Rogues.

within every of the said severall Townes, Parishes, and Hamlets, upon at night next comming, for the finding out and apprehending of all Rogues, Vagabonds, and wandring and idle persons, in or about the said severall Townes, Parishes, or Hamlets, and that such as shall be found and apprehended, you doe cause them to be brought before us the next day unto K. by 9. of the clocke, there to be by us dealt withall according to the statutes in that behalfe provided. At which time and place we further require you, together with the said petty Constables to appeare before us, and there to give an account and reckoning upon oath, in writing, and under the hands of the Minister of every severall Parish within your Barony what Rogues, Vagabonds, wandring and disordered persons have bin there apprehended, aswell in the same search as also since the last assembly and meeting that was made for this purpose being upon or about the day of last past. And hercof faile you not, &c.

See the title of
Rogues.

11. Caroli ca. 4.
in Ireland.

Note, that all Rogues which shall be brought before the Iustices upon such search (after examination of their idle life, taken by the Iustices) are either to be whipped by the Constables of the Towne where the Ju. sit. Or else from thence are to be sent to the house of correction, and to be conveyed thither by the Constables that brought them, which services imposed upon the Constables, are some cause of their neglect of this service, and therefore I have set downe another course and president perhaps no lesse serviceable, which also may be performed and done every moneth, or every meeting of the Iustices, if need shall so require: or if the Iustices cannot, or shall not meete, yet it seemeth, such warrant may be granted out by any one Iustice of peace as followeth.

These are in the K. Majesties name, to charge and command you, that you together with the petty Constables of the severall Townes, Parishes, and Hamlets, within your Barony (taking sufficient assistance out of the said Townes) doe make a generall privy search within every of the said severall Townes, Parishes, and Hamlets, upon at night next comming, for the finding out, and apprehending of all Rogues, Vagabonds, and wandring idle persons in or about their said severall Townes, and that such as shall be found and apprehended, you doe cause them to be punished in every severall Towne or Parish where they shal be so apprehended, by the petty Constables of every severall Parish respectively, and by them also further to be conveyed according to the statute. And if any of the said Rogues shall appeare to be dangerous or incorrigible, that then you cause such to be brought before me, or any other of his Majesties Iustices of peace, to be further dealt withall according to the statute in such cases provided, dated, &c.

Afterwards any one of these Iustices may take the examination of, or prooffe against such dangerous Rogues, & finding cause, may then commit

commit such Rogues to the gaole, and from thence he may by two Iustices of peace be sent to the house of correction.

A warrant for a fugitive servant.

John Cutts Knight one of the Iustices of the peace of our soveraigne Lord the King, &c. To the Baliffes of the Barony of C. and to T.H. Constable of M. in the County of Dublin greeting. Whereas E.L. hath beene retained to serve I.T. of M. aforesaid, according to the forme and effect of a statute made for servants, without just cause or licence of the said I.T. hath departed from his service, Therefore on the behalfe of our soveraigne Lord the King I charge and command you and every of you that immediately after sight hereof you cause the said E.L. to be delivered to his said master to serve him, and if he shall refuse so to doe, that then you cause him to be convayed to his Majesties gaole of the said County of Dublin thereto remaine untill he shall doe the same: So that you may have him before me and the rest of my fellow Iustices at the next Sessions of the peace to be holden for the said County to receive such punishment as shall be then and there inflicted upon him, sealed with my scale dated, &c. Dublin

Or thus in Latine.

Iohannes Cutts Miles, unus Iusticiar. Domini Regis, &c. Ballivus Baronie de C. et T.H. Constabular. de M. in comitatu præd. salut. Quia E.L. retentus in servic. I.T. de M. prædict. sibi serviend. (secundum formam et effectum statuti de servantibus edit.) à servitio præd. I.T. sine causa rationabili, et licentia ipsius I.T. recessit (ut dicitur) ideo ex parte Domini Regis vobis et cuilibet vestrum præcipio, quod præf. E.L. ad præfat. I.T. magistrum suum deserviend. deliberar. faciat. Et si hoc recusaver. tunc eum gaola Com. prædict. duci faciatis, quousq; &c. Ita quod eum habeatis coram me et socijs meis Iustic. dicti Dom. Regis in Com. præd. ad prox. sess. pacis ibid. tenend. ad faciend. et recipiend. ea quæ ei tunc et ibid. in hac parte obijcientur. Sigill. meo. sigillat. dat. apud. com. Dublin

Another for the same.

Simon Steward Knight one of the Iustices of the peace of our soveraigne Lord the King, &c. To the Sheriffe of the County of Dublin and also to I.B. Constable of the Towne of B. and to R.N. Bailiffe Itinerant in the same County, and to every of them greeting. On the behalfe of our soveraigne Lord the King I command you and every of you that you or one of you attach the bodie of W.R. of B. aforesaid Labourer, so that you or one of you have him before me and the rest of my fellow Iustices of our soveraigne Lord the King in the County aforesaid at the next generall Sessions of the peace to be holden Dublin

den in the aforesaid County to answer aswell to our said soveraigne Lord the King, as to R. C. of, &c. Yeoman, wherefore he being lately retained in the service of the said R. at T. in the County aforesaid from the said service before the end of the terme betwixt them agreed upon, without just cause or licence of him the said R. hath departed in contempt of our soveraigne Lord the King, and to the great damage of him the said R. and contrary to the forme of the statute in that case provided. And that you or one of you have then there this precept, witnesse, &c.

Or thus in Latine.

com. Dublin.

Crompt. 238.

Simeon Steward Miles, unus Iustic. &c. vic. Com. pred. Necnon I. B. Constabular. vill. de B. et R. N. ballivo itineranti in eodem Com. et eorum cuilibet salutem. Ex parte dicti Domini Regis vobis et cuilibet vestrum mando, quod attach. seu unus vestrum attach. W. R. de B. pred. Labourer, ita quod eum habeatis, seu unus vestrum habeat, coram me et socijs meis Iustic. dict. Dom. Regis ad pacem in Com. pred. conservand. Necnon et assign. ad prox. general. sessionem pacis in Com. pred. tenend. ad respondend. tam dicto Dom. Regi, quam R. C. de, &c. Yeoman, quare in servitio ipsius R. apud T. in Com. pred. nuper retentus, ab eodem servitio ante finem termini inter eos concordat. sine causa rationabili et licenc. ipsius R. recessit, in Dict. Dom. Regis nunc contemptum et ipsius R. grave damnum et contra form. statut. inde edit. et provis. Et habeatis seu unus vestrum habeat, ibi tunc hoc preceptum, Teste, &c.

A warrant for one refusing to serve.

Dublin

Roger Millisent Knight one of the Iustices of the peace of our soveraigne Lord the King, &c. To R. L. Bailiffe of S. in the County of Dublin greeting. On the behalfe of our soveraigne Lord the King I command you that you attach the body of R. A. of S. aforesaid Labourer, so that you have him before me or my fellow Iustices of the peace in the County aforesaid, at the next generall Sessions of the peace to be holden in the said County, to answer aswell to our said soveraigne Lord the King as to B. C. of A. &c. Yeoman, wherefore he the said R. A. although he were often required to serve the said B. C. in a competent service for his estate, yet notwithstanding he the said R. A. hath altogether refused to serve the said B. C. in contempt of our soveraigne Lord the King, and to the great damage of him the said B. C. and contrary to the forme of the statute for servants in that case lately made and provided. And see that you have this warrant there, witnesse, &c.

Or

Or thus in Latine.

Rogerus Millisent miles, unus Iustic. &c. R. L. ballivo de S. in Comit. co. Dublin. pred. salut. Ex parte dicti Dom. Regis tibi mando quod attach. R. A. de S. pred. Labourer, Ita quod cum habeas coram me vel socijs meis Iustic. dicti Dom. Regis ad pacem in Com. pred. conservand. (Nec non ad diversa felonias transgr. et alia malefacta in eodem Com. audiend. et terminand. assign.) ad prox. general. sess. pacis in Com. pred. tenend. ad respondend. tam dicto Domino Regi quam B. C. de A. &c. Yeoman quare ipse pred. R. A. licet in servitio congruo pro statu suo, per pref. B. C. fuit sapius requisitus ei servire ipsum tamen B. C. servire penitus recusavit, in contempt. dicti Domini regis, et ipsius B. C. grave damnum, et contra formam statuti de servientibus edit. et provis. Et habeas ibi tunc hoc mandat. Teste, &c. Crompt. 238.

A warrant for the suppressing of an Alehouse.

John Cage Knight, and Edward Hinde Knight two of the Kings Majesties Iustices of the peace within the said County of Dublin, to the Constables of B. and to either of them greeting. Whereas we are credibly informed that R. D. of your Towne victualler, is himselfe a man of evill behaviour, and besides doth suffer evill rule and disorder to be kept in his house, contrary to the Lawes and statutes of this Realme: These are therefore in his Majesties name to will and command you forthwith to repaire to the house of the said R. D. and to charge him to surcease from keeping any longer any Alehouse or Tipling house, and from common selling of Ale or Beere at his perill, and withall that you cause his Signe to be pulled downe, hereof faile you not as you and either of you will answer to the contrary at your perill, Given under our hands and scales at B. the day of Co. Dublin.

And in the yeare of the Raigne of our most gracious soveraigne Lord Charles, &c.

A warrant for the removing of a petty Constable and for the swearing of another.

Carolus Dei grat. &c. vic. Com. Dublin. Necnon Capitali Constab. Baroniam de C. et eorum cuilibet salut. Quia W. P. et R. S. subconstabular. villa de C. et K. (certis de causis nos moventibus) ab officio suo amoveri et exonerari fecimus, Ideo vobis et cuilibet vestrum conjunctim et divisim precipimus et mandamus quod I. F. et R. M. ad omnia et singula eidem officio incumbencia bene et fideliter exercenda et exequenda, prout ipsi nobis inde respondere voluerint coram aliquo Iusticiar. nostr. ad pacem in Com. pred. conservand. jurare faciatis. dictisq; W. P. et R. S. similiter injungentes quod ipsi de dicto offic. ulterius exercendo et exequendo nullatenus se intromittant, quousq; aliud de nobis habuerint in mandatum, et quicquid inde feceritis, Iustic. nostris ad pacem nostram in dicto Com. conservand. assign. ad prox. general. sess. pacis apud C. in dicto Com. tenend. certificetis, hoc precept. nostrum tunc et ibid. remittentes. Test. I. R. Milite, uno Iustic. nostrorum pred. tali die, &c. co. Dublin.

This authority of removing petty Constables and of chusing and swearing

originals of the old and new

swearing new, is reputed properly to belong to the Leete (it being one of the most ancient Courts in the Realme *Br. Leet. 14.*) and if the new elect be not present at the Leet to take his oath accordingly, then upon certificate or notice thereof to any Ju. of P. of that County, the Iust. doth use to send his warrant for the party so chosen and to give them their oath.

Also in default of the Leet, or otherwise, where there shall be just cause, every Iust. of peace (*ex officio* as it seemeth) may remove the old Constables, and may chuse and sweare new, which also we see to be warranted by common experience. And I have seene some presidents to such purpose as followeth.

To our loving friend A. B. of W. Yeoman.

These are in his Majesties name to charge and command you, to make your repaire unto us, or to some other Iust. of P. of this County, to take the oath of a Constable to serve his Majesty within the Towne of W. according to the choice made of you by the Iury at the last Leet holden in your Towne. And hereof faile you not, dated &c.

The forme of the oath concerning the office of a Constable.

You shall sweare that you shall well and truly serve our sovereign Lord the King in the office of a Constable: you shall see and cause his Majesties peace to be well and duely kept and preserved according to your power, you shall arrest all such persons, as in your sight and presence shall ride or goe armed offensively, or shall commit or make any Riot, Affray, or other breach of his Majesties peace you shall doe your best endeavor (upon complaint to you made) to apprehend all Traitours, Felons, Barretors, and Riotters, or persons riotously assembled, and if any such offendour shall make resistance (with force) you shall levy Huy and Cry, and shall pursue them untill they be taken, you shall doe your best endeavor that the watch in your Towne be duely kept and that Huy and Cryes be duely pursued according to the statute of *Winchester*. And that the statutes made for the punishment of Rogues and Vagabonds, and night walkers, and such other idle persons comming within your bounds or limits, be duely put in execution, you shall have a watchfull eye to such persons as shall maintaine or keepe any common house or place where any unlawfull game is or shall be used. As also to such as shall frequent or use such places or shall use or exercise any unlawfull games there or elsewhere, contrary to the Lawes and statutes of this Kingdome, you shall well and duely execute all precepts and warrants to you directed from the Iustices of P. of this County, and you shall well and duely according to your knowledge power and ability doe and execute all other things belonging to the office of a Constable so long as you shall continue in this office. So helpe you God.

This oath I have set downe the more largely, thereby to shew the principall matters whereof the Constables are chiefly to have care.

Libri primi Finis.

Sum Guillelmi Bold Armigeri,



The Methode and Contents of the second Booke.



He two first Chapters containe the Description of the generall Sessions : and how the same shall be summoned and appointed, and by whom.

2. The third Chapter declareth what persons ought to give their attendance at the generall Sessions of the peace.

3. The fourth, fift, sixt, and seventh Chapters doe set forth what offences are to be given in Charge, and inquired of by the Grand-Iurie, viz.

Offences { 1. Of Treason.
 2. Of Felony.
 3. Of Misprision.

And lastly Fynable Offences : which are of foure sorts, viz.

Offences { 1. Of force and violence.
 2. Of Fraud and deceit.
 3. Of Omissions in Officers & others.

and fourthly, other Abuses and enormities tending to the prejudice of the common-wealth.

4. The eighth Chapter treateth of the substance, certaintie, and legall formes that ought to be in Indictments and Presentments : and the difference betweene the one and the other.

5. The ninth Chapter declareth the impediments of proceeding before the Iustices of Peace.

6. The tenth Chapter setteth forth the sundry sorts of processe that are to issue upon Indictments and Presentments.

7. The 11, 12, 13, and 14. Chapters declare the severall wayes of hearing and Tryall, viz.

vpon { Confession,
 Discretion,
 Examination,
 Traverse.

The Table.

8. The 15. Chapter setteth forth the manner of the Tryall of felons upon Arraignement, and what helps the prisoners may have to alledge or plead for their acquittall, or delay of Tryall, Iudgement or Execution.

9. The 16. Chapter declareth the severall Indgements that are to be given upon the offenders for the severall offences aforesaid.

10. The 17. Chapter setteth forth the Processe which are to issue for the Kings Fyne.

11. The 18. Chapter setteth forth the executory processe which are to issue for the parties that prosecute, and for restitution of the goods stolne, or satisfaction for them.

12. The 19. Chapter declareth the manner and forme of certifying the Records of the Sessions into other Courts or unto other officers.

13. The 20. Chapter sheweth what matters are to be done, and handled in the Quarter-Sessions only, or in some one or more of them, and at what time they are to be holden.

14. The 21. Chapter setteth forth the speciall Sessions of the peace, and the matters to be handled therein.

15. The 22. Chapter declareth the Rewards and Punishments that are due to the Iustices of Peace.

The Heads of the severall Chapters, and the particular matters contained in each Chapter, follow in order as they are set forth in the Booke, *viz.*

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Guilelmus Bold
Armiger,

THE



THE SECOND BOOKE.

*The Description of the generall Sessions of the Iustices
of Peace. CHAP. I.*



Have so largely in the former booke set forth the power and authority of one or more Iustices of peace out of the generall Sessions that I shall not need to be long in setting forth their power and authority and the formes of their proceedings in their generall Sessions.

2. The generall Sessions of the peace is an assembly or a meeting of two or more Iustices of peace, whereof one must be of the *Quorum* for the executing of their generall authority.

3. This generall Sessions of the peace is grounded chiefly upon the words of the second *Affignavimus* in the Commission, the which being *vos, et quoslibet duos vel plures vestrum, quorum, &c.* doe very necessarily require the presence of one of the *Quorum*, and these generall Sessions by the statute of *2.H.5.ca.4.* are to be holden at foure times in the yeare, *viz.* in the first weeke after the feast of Saint Michael the Archangell, the first weeke after the Epiphany, the first weeke after the Easter weeke, and the first weeke after the translation of Saint Thomas the Martyr, which is the third of Iuly or oftner if need require. Lamb. li. 4. fo. 379.

4. And these three things namely to enquire, heare and determine doe (in effect) comprehend whatsoever belongeth to the generall Sessions, so that every thing whereof I shall hereafter intreat will concerne either the information of the Iustices by enquiry, or otherwise the hearing and triall of the cause it selfe, or the judgement and execution (which is the determining) given and done upon it. Lamb. li. 4. fo. 379.

*Who shall appoint the Sessions of the peace, and how
and where. CHAP. 2.*

1. **T**He Iustices of the peace doe (at their Sessions) take knowledge of causes within their Iurisdiction, either by the oath

Lambard. li. 4.
fo. 380.

of Enquirors, or by the Presentment or Declaration of other men, and this inquiry is first prepared, by the apparance of the officers and Countrey, and by the Articles given in charge, and then performed by the presentment (or indictment) of them that had the charge to make it.

Lamb. li. 4.
fo. 380.

2. Now albeit that these Sessions be commonly and most orderly summoned by a precept in writing, yet is it not altogether of necessity (for the making of a lawfull Sessions) to have it so, for if competent Iustices of the peace doe get men to serve and thereupon doe hold a Session without any precept before directed, all presentments made before them by twelve lawfull men, shall be of force in Law, but no man shall loose any thing for his default of apparance there, because no man had notice of their sitting.

Lamb. li. 4.
fo. 381.

3. Neverthelesse, because the common and more allowable manner is, to call the officers and County together for this service, by a precept to the Sheriffe, wherein both the disposition of the Iust. is notified for the holding of a Session, and the service and attendance of those others is commanded to be thereat. It will be needfull to set forth the forme thereof, which may be thus.

Precept to
summon the
Sessions of the
peace.
Lamb. li. 4.
fo. 381.

4. *Edwardus Hoby Miles, & Radulphus Hayman Armiger, duo Iusticiar. domini reg. ad pacem in Comitatu Dublin conservand. necnon ad diversa felonias, transgressiones, & alia malefacta in dicto Comitatu perpetrata audiendum & terminandum assignatorum, vicecomiti ejusdem comitatus, salutem. Ex parte dicti Domini Regis tibi precipimus, quod non omittas propter aliquam libertatem in balliva tua, quin eam ingrediaris, & venire facias coram nobis vel sociis nostris Iusticiariis pacis, &c. tali die, &c. prox. futuro apud Killmainham in Comitatu predicto tam 24. probos & legales homines de qualibet Baroniam in balliva tua, quam 24. milites & alios probos & legales homines de corpore comitatus tui, tam infra libertates quam extra quorum quilibet habeat 40. s. redditus terrarum & tenementorum liber. per ann. ad minus, ad inquirendum tunc & ibidem super hiis que ex parte dicti domini Regis eis injungentur, scire facias etiam omnibus Coronatoribus Comitatus tui, Seneschallis, Constabulariis, Subconstabulariis & Ballivis libertatum, infra baronias & libertates predict. quod sint tunc ibi, ad faciendum & perimplendum ea que ratione officiorum suorum sunt facienda, proclamari praterea facias per totam ballivam tuam in locis idoneis predictam sessionem pacis ad diem & locum predictum fore tenend. Et tu ipse tunc sis ibidem, ad faciend. & exercend. ea que ad officium tuum pertinent, Et habeas ibi tunc tam nomina Iuratorum, Coronatorum, Seneschallorum, Constabulariorum, Subconstabulariorum, & Ballivorum pred. quam hoc preceptum. Datum sub sigillis nostris apud S. in Com. predict. die Martij Anno Regni dicti Domini nostri Regis Caroli dei gratia, &c.*

The number
of the Iustices.
Lamb. li. 4.
fo. 382.

5. This precept may be made (as here it is) by any two Iustices of the peace, so that the one of them be of the *Quorum*, for two such may hold a Session of the peace, as it doth plainly appeare by the Commission: and therefore as Master Marrow saith, it sufficeth not to have

have it run under the name of the *Custos Rotulorum* alone, seeing that he hath no more authority in this behalfe, then any one of his fellows hath, for the words of the *mandamus* in the Commission to the Sheriffe be *coram nobis, &c. venire facias, tot & tales, &c.* yea, if two such Iustices make a precept for a Session of the peace, all their fellow Iustices cannot discharge it by their *Superseas*, but a *Superseas* out of the Chancery may discharge it.

6. And if one Iustice of peace alone will take upon him to hold a Sessions of the peace (that was lawfully summoned by him, and another such Iustice) and will make the stile of the Session in the names of himselfe and the other, all presentments so taken before him may be avoided, but if the Sessions be in truth holden by two sufficient Iustices only, and the stile, or title thereof be made in the names of three, then all the presentments before them shall stand good, for it will not helpe the party to say, that one of the three was not there, when it shall appeare that two of them (the one being of the *Quorum*) were present, which will suffice, by *Marrow*.

Lamb. li. 4.
fo. 383.

7. But the place of holding them is arbitrable, and at the pleasure of the Iustices themselves, so that it be meet for acceffe, and although the precept doe appoint the Sessions to bee holden in some one Towne by name; yet may the Iustices keepe it in any other Towne, and all the presentments shall be good that shall be taken where they hold it, but then againe, no americiament can be set upon any man for his default of appearance, because hee had no warning of it. *Marr.*

The place.

Lamb. li. 4.
fo. 383.

8. So if two such Iustices make a precept for a Session to be holden in one Towne, and two other Iustices make another precept for another Session to be holden at another Towne, (or in any other part of the said Towne) the same day, then the presentments taken before either of them shall be good, *Marr.* and then it seemeth, that he that serveth at the one Session (as a Iuror or officer) shall bee excused for his default at the other, because as they both be the Kings Courts, and of equall authority, so hee cannot present himselfe in both of them at once.

Lamb. li. 4.
fo. 384.

What persons ought to appeare at the Sessions, and therein of the Custos Rotulorum, the Records of the Sessions, and the Clerke of the peace, and how the Iurors ought to be qualified and ordered, and of the priviledge of the Sessions.

CHAP. 3.

1. **F**OR the better preparation towards this Enquirie, let us peruse the persons that are to attend and doe service at the Sessions.

2. The Iustices of the Peace bee so necessary, as without them (though all others should appeare) no Session can bee kept: and yet

The Iustices
and their
equality.

Lamb. li. 4.
fo. 385.

if any of them be absent, their fellow Iustices cannot amerce them, as the Iust. of Assise may doe, for their absence at the gaole delivery, for *inter pares non est potestas*, and the authority of all the Iustices of the peace at the Sessions is equall, so that like power hath he which is not of the *Quorum* with him that is, except it be in speciall cases set forth in the Commission and statutes, and therefore it was holden (3. H. 7. Fitz. tit. Iustice of peace 3.) that if one which is not of the *Quorum*, will be so bold as to rebuke one that is of the *Quorum*, hee and his companions may not commit him to prison for it, neither will any discret Iustice take liberty hereby to carpe at or scorne any of his Collegues, because hee is equall with them, but will rather draw from thence a lesson to use them with all lenity and modestie, seeing that in authority they be not inferior to him.

Lamb. li. 4.
fo. 386.

3. And albeit the power of these Iustices be joint at the Sessions, yet (to some purpose) each one hath a distinct power by himselfe also, for if one of them sitting in this Iudiciall place shall see a Riot he may cause the parties to be arrested, and may also record the Riot, whereby they shall be so concluded, as they shall have none answer to it, *Fitzherbert tit. Iustice del peace 9.*

4. But two sorts of men there are, that especially owe their ordinary attendance at the Sessions, that is to say the officers or ministers of the Court, and the Iurors of the County.

The Custos
Rotulorum,
Lamb. li. 4.
fo. 387.

5. Amongst the officers the *Custos Rotulorum* hath worthily the first place, both for that he is alwayes a Iustice of the *Quorum* in the Commission, and amongst them of the *Quorum* a man (for the most part) especially picked out either for wisdome, countenance, or credit, and yet in this behalfe he beareth the person of an officer, and ought to attend by himselfe or his Deputy, and as he is an officer he may be fyned for his neglect.

Who shall
keepe the Com-
mission of the
peace.

9. E. 4. fo. 2.
10. H. 7. fo. 7.

6. For the words in the Commission be to him by his proper name, *quod ad dies et loca predicta, brevia, precepta processus et indictamenta predicta coram te, et dict. socijs tuis venire facias*: Whereas untill the 14. yeare of the Raigne of King Richard the second, that charge was generall to all the Iustices, and not speciall to any one person of the Commission.

7. This man (as his very name declareth) hath the custody of the Rolls (or Records) of the Sessions of the peace, and of the Commission of the peace it selfe.

The Records
of the peace.
Lamb. li. 4.
fo. 388.

8. But under the name of the Records of the Sessions of the peace, I doe not comprehend all manner of Records concerning the peace, but those onely which ought to be at the Sessions, as Bills, Plaints, Informations, Indictments, Presentments, the Rolls, of processes, Trials, Iudgements, Executions, and all other Acts of the Sessions of the peace themselves, and furthermore the ingrossement of the Rates of servants wages, all Recognisances of the peace and good Abearing, Recognisances, concerning Treasons, Felonies, and such like

like as ought to be certified (or brought) to the Sessions of the peace, must be numbred amongst the Records of the Sessions of the peace, for of all these there may be use in the Sessions, and therefore the *Custos Rotulorum* or some for him ought to be ready there to shew them.

9. For which end it is meet, that howsoever those Records have heretofore beene suffered to lye in the hands of the Clarke of the peace, and by the death and remove of him, have beene to seeke, yet now the inconveniency being found, and the Records themselves being drawne to greater bulke, the same should be lodged in some speciall and proper Roome under safe custody, and not without an Inventorie (or Register) indented, whereof the one part to remaine with the *Custos Rotulorum*, and the other with the keeper of them.

10. Although it were before time at the liberty of a Iustice of peace to certifie a Recognisance of the peace to the *Custos Rotulorum*, as you may see in 2.H.7.1. Yet now by the statute of (3.H.7.ca.1.) he ought to certifie, send, or bring it to the next generall Sessions of the peace, that the party may be called, and to the end also, that his default, (if he make any) may be recorded, and by such Record of his default he is concluded to say that he appeared there. Lamb. li. 42
fo. 389.

11. As for precepts for surety of the peace, the speciall Records for conviction of forceible Entries, Riots, and such like as be made out of the Sessions of the peace by particular Iustices, and be to remaine with themselves, and not appointed to be certified thither, I cannot reckon them in the number of the Records of the Sessions of the peace, no more then I may well doe the Inrollments of bargaines and sales, and such other Records lying in the charge of the *Custos Rotulorum* or Clarke of the peace.

12. And now as this man is (by name and office) keeper of the Records of the peace, so would it not a litle amend the service if he were indeed also carefull for the due preservation of them, and would not loosely leave them (as commonly it is found) to the onely custody of the Clarke of the peace, without having any Register of their number and sorts, and without appointing any convenient place certaine, for the more ready search and safe bestowing of them, whereby it falleth out very often that after the death of such a Clarke, these Records are hardly recovered and that by peece meale from his widdow, servants or executors, who at their pleasure may embezell, misuse, or conceale what they will, the which, how farre it may reach to the losse of his Majestie in his escheats, fynes and forfeits royall, and to the hurt of his subjects aswell in their purchases of lands (the Inrollments whereof also are not alwayes orderly digested) as in their goods, and towards their persons by the filching of Bonds, Endictments, or Proccesses, I leave to be debated and decided in the Court of their owne consciences that take this charge upon them.

Clerke of the
peace.

13. The Clearke of the peace oweth his attendance also at the Sessions, for he readeth the indictments, and serveth the Court, he inrolleth the Acts of the Sessions, and draweth the proceffe, he must Record the Proclamations of rates for servants wages, and many other things.

14. All which things he cannot doe, if he be not present, so that he is an officer of this Court, and is the Clearke to the Iustices as the statute of 12. R. 2. ca. 10. nameth him, and not (as Master Marrow thought) the Clearke of the *Custos Rotulorum*.

15. You may reade also in 2. H. 7. that if a Recognifance of the peace be brought in to the *Custos Rotulorum*, and the party grieved will not sue forward, then the Clearke of the peace (who is the Clearke and Attorney of the King, saith that booke) shall call upon it for the Kings advantage.

The Coroners.

16. Furthermore the Coroners (as the common forme of the precept sheweth) ought to be present at the Sessions, because the Coroners be parties to the Exigents, and the Iudges of the utlary, howbeit they are besides that Conservators of the peace also, and may in some cases commit men to prison, and therefore ought to be at the Sessions to object against them.

The Sheriffe.

17. The Seriffe in like manner ought to attend at the Sessions for the double duty that he beareth, the one as Sheriffe to returne the precept, to take the charge of prisoners, and so to serve the Court otherwise as he hath in charge by the *mandamus* that is mentioned in the Commission, the other, because he also hath care and charge of the peace.

Bailiffes and
Constables.

18. The Bailiffes of Franchises and the Constables of Baronies are to serve here, the one as Ministers, and the other as Iurors, and therefore ought to give their attendance.

19. And every of those may be amerced, if they make default.

Iurors for en-
quiry and
tryall.

20. But especially here ought to appeare such Iurors, as be returned by the Sheriffe, and warned by his Bailiffes, whether it be for enquiry or tryall, and in this behalfe both the Commission, the common forme of the precept, and the Law it selfe (in 11. H. 4. cap. 9.) willeth that they should be *probi & legales homines*.

21. For if any of them be discredited in Law, as by attainder in conspiracy attaint, *decies tantum*, subornation, of perjury, concealement or such like, they be not *probi*, and their presentment will be voyd, unlesse there be twelve besides them, that are not so blemished.

22. Againe if they be outlawed, abjured, condemned in a *præmunire*, or attainted of Treason, Felony, or such like; then be they not *legales*, and their presentments are meerely voyd also, as it may be gathered upon the case in 11. H. 4. 41.

23. And women, Infants under 21. yeares of age, Aliens, and such as be within orders of the Ministry or Clergy cannot be impanelled amongst others. Marrow.

24. Gene-

24. Generally also, the Iurors ought either to be inhabiting within the shire, or else to have lands there, for the Commission willet that they should be such *per quos rei veritas melius sciri poterit* which must needs be understood of such as have causes to know the Countrey, and the precept is usually according to the same forme.

Lamb. li. 4.
pa. 396. et 397.

25. If any of these Iurors returned, be threescore and ten yeares of age, or have any continuall infirmity, or be otherwise decrepit, yet that shall not excuse him for not appearing, if the Iustices will exact his service, but he is driven to his Action upon the statute of (*Westm. 2. ca. 38.*) against the Sheriffe for his returning of him. *Marrow.*

Lamb. ibid.

26. And if he have a Charter of exemption, he ought to shew it to the Sheriffe against whom (if he will notwithstanding empanell him) he may have onely his Action upon the case, and none other remedy, *18. H. 8. 5.* which may be truely said, as to the saving of his issues, but by some other bookes, and namely *42. Ass. p. 5.* and *Marrow*, he is to be discharged upon his apparance and specially where he hath in his charter of exemption these words *licet tangat nos*, unlesse his exemption be grounded upon a false suggestion or that it fall out that there want others that be sufficient to serve and furnish the number, in which case none is to be spared.

18. H. 8. fo. 53

42. Ass. p. 5.

Lamb. li. 4.
pag. 397.

27. Now although some of the Iurors of this enquiry be of affinity, (or consanguinity) with any party grieved that procureth the Indictment, yet that hindreth not their presentment, howbeit it is no good discretion for the Iustices if they know it to suffer any such to be empanelled if there be a sufficient number of others to be had.

Lamb. li. 4.
pag. 398.

28. But the men be not truely Iurors, till they be sworne, as their name pretendeth, and otherwise their presentment is utterly voyd, and if it should (by any oversight) happen that they or some of them were not sworne at all, yet if the Record make mention, that they be sworne, their presentment is of force enough, for the Record may not be gaine said.

How they of
the Iury must
be sworne and
ordred.
Lamb. ibid.

29. And the Iustices may (upon cause) remove a Iuror after he is sworne, *20. H. 6. 5.* againe, if after the swearing of a Iury their service be put off till the next day upon any urgent occasion, then may they be sworne of new, as if they had not before appeared, *7. H. 4. 38.*

The number
of Iurors.
7. H. 4. fo. 38.

30. Each Iury ought to containe twelve in number at the least, and if there be more, it shall not be amisse, but if twelve of them doe agree the gaine saying of the residue cannot hinder the presentment, yea the Law was in the time of King *Etheldred* that in a Iury of twelve the agreement of eight should stand and make a good verdict, but the Law is otherwise used and taken at this day.

Lamb. li. 4.
pag. 400.

31. The Iustices ought not to commit these Iurors of enquiry to any keeper, nor to keepe them without meat and drinke, nor to carry them out of the Towne, and yet they may adjourne them to any other place in the same County to give their verdict.

Lamb. ibid.

32. If these Iurors doe wilfully conceale offences, presentable and

concealment.
and

Lamb. ibid.

and that be complained of by Bill, then may the Iustices choose an enquest of persons whereof every one may dispend 40.s. by the yeare to enquire of their concealements, and if any such be found every one of the first enquest shall be amerced in full Sessions by the discretion of the same Iustices. *3.H.7.ca.1.*

33. And because the Iurors of those dayes were yet wilfull in their concealements, it was provided within eight yeares after that the Iustices of peace should determine causes upon information without any such presentment, but that ordinance endured not long.

34. Nevertheless it is to be wished, that these and other enquirors would more carefully employ themselves in that service, which is the chiefe and almost the onely ground whereupon the Iustices are to worke, considering that rarely any other then common promoters (that hunt for private gaine, and are not led by zeale of Iustice) will be intreated to informe against the offenders.

35. And this shall they the better doe, if they will be directed by these few Counsels following, *viz.* First, that they come prepared to further the good of their country, and not to save their issues, or to serve for fashion sake, then that they give credit to credible persons sworne to informe them, Thirdly, that they measure their doings by the right line of Law, and not by the crooked coard of a pretended equity and counterfeit conscience. Furthermore, that they hold not a Court of common pleas by admitting prooffe of witnesses against the King as knowing that they are not to try an issue, but to offer an Information, the truth or falsity whereof shall be afterward tryed by another Iury, upon which triall the party indicted shall be heard to speake for himselfe. Finally, that they discover not their owne doings, for it is usually a part of their oath, that they shall keepe the Kings Councell and their fellowes, and we read in *Fitz. tit. Coron. 207.* and *272.* that to endict a man of felony and then to shew abroad to others what they have done therein, hath beene taken for felony, howbeit that offence is now holden to be fineable only.

To keepe
councell.Priviledge of
the Sessions.Lamb. li. 4.
pag. 402.

36. And now as all these owe their service at the Sessions either by reason of their office, or by vertue of the summons, so all others also may freely attend there, if not for any thing that specially concerneth themselves, yet for the advancement of publicke Iustice, and for the service of the King, and to this end, they are invited thither (as I may say) by a certaine freedome of acceffe, and by protection from common arrests, a thing that is incident to each Court of Record, and without which Iustice should be greatly hindred, so that if a man come voluntarily to the Sessions, with the minde, either to preferre any bill of indictment, or to give Information against any other or to tender a fyne upon an Indictment touching himselfe, or doe come compelled to make apparance for to save his bond, and be arrested by the Sheriffe upon common and originall proceffe, in his coming

coming thither, or during his tarrying there, it seemeth that upon examination of the matter upon his oath he shall be dismissed thereof by the priviledge of this Court, even as is used in the higher Courts of Iustice.

93^{re}.

Of the Articles that are to be given in charge at the Sessions of the peace. CHAP. 4.

1. **I**T was the ancient manner, that twise in the yeare at the Sheriffes Turne (which was sometime a Court of great authority and called Shiremoote) the Bishop of the Diocesse, and the Alderman (or Earle) of the shire should be present the one to informe the people in the Lawes of God, and the other to instruct them in the Lawes of the land, as appeareth by Master *Lambert li. 4. pag. 404.*

Lamb. li. 4.
pag. 404.

2. And it were to be wished, that as there is commonly at every Assize a Sermon uttered by some learned man, so also the like might be at each generall Sessions of the peace: for seeing that the Lawes of men must be obeyed for God, it doth of necessity ensue, that he which will seeke to have man obeyed rightly, must first cause God to be preached truly.

3. The Iustice of peace, (saith master *Fitz.*) for their parts be bound to informe the people and (no doubt) the charge is given, as well to instruct the ignorant least they offend unawares, as to enquire of those that have already fallen into danger by offence, and thereof it is, that many statutes doe expressely command, that they shalbe openly read (or declared) at the Sessions as you shall see, in place fit for it.

4. But the manner of giving the charge, and receiving the verdict at this day differeth from that which the Iustices in Eyre were wont to use, for you may see in *Bract. fol. 116.* that first one of the Iustices did open before the whole Assembly the benefits of the service in hand, the commodities of keeping the peace, and the evils of the contrary, and that then the Articles of the charge were read by one and one to the Iurors, who receiving the same at the hands of the Iustices, did also make answer (in the yeelding up of their verdict) to each article severally, and by it selfe.

The ancient
order of giving
the charge in
Eyre.

5. Which custome as it had many profits, so it is worthy in mine opinion to be recontinued and brought in use againe.

6. Neither ought, the multitude of Articles (now inquireable) to discourage any man in this behalfe, for if those lawes which be most serviceable either for the present time, or for the place, or other just respect, were only touched or run over, by way of short Articles, then would there be the more time afforded for speech that might be well spent, as well in discourse of exhortation or dehortation, as in the larger handling of such other stat. whereof there is greater use

and necessity, and this liberty the Iustices in Eyre themselves did use also, as the same *M. Bract.* in the same place reporteth.

The points of
the charge di-
vided.

7. The points of the charge that we have in hand may be reduced into five severall heads, *videlicet* :

1. Treasons.
2. Felonies.
3. Misprisions.
4. *Premunuries*.
5. Fyneable offences.

8. The foure first heads of the charge, *videlicet*, Treasons, Felonies, Misprisions and *Premunuries* are so fully and at large set forth in the first Booke under their proper Titles, that it were needlesse in this place to make repetition of them againe, but referre the Reader to their proper Titles in the first Booke, so it resteth now to speake of the last head or part of the charge which is Fyneable Offences, and these consist of foure parts, *videlicet* :

1. Force and violence.
2. Fraud and deceit.
- Offences of 3. Omission and neglect in Officers and others.
4. Other abuses and offences tending to the prejudice of the Common-wealth.

9. The first of these foure are Riots, Routs, unlawfull assemblies, forceible Entries and Forceible Detayners, and all other Trespasses whatsoever committed upon the body, goods, or lands of any person, or done in disturbance of the peace, or terror of the people; And as for Riots, Routs, unlawfull assemblies, forcible Entries and Detayner, and all riding or going armed *in terrorem populi, vel perturbationem pacis*, they are likewise so largely and particularly expressed under their apt Titles before in the first Booke, whereunto I referre the Reader, that it were but lost labour to recite them here againe, and therefore I will proceede to the rest of the Articles of the charge, which are these, *videlicet* :

1. If any person have maimed another, whereby hee is the lesse able to defend himselfe in fight, as by putting out his Eye, stricking of his hand, finger or foot, or by beating out his foreteeth or breaking his Scull, the offenders and their assistants therein are to be punished by a grievous Fyne and Imprisonment.

2. If any man have unlawfully assaulted, beaten or wounded another or have committed any Trespasse against the body of another, or hath unlawfully taken his goods or committed any Trespasse in his lands, this is punishable by Fyne and imprisonment at the discretion of the Court, having respect to the greatnesse or smallnesse of the offence.

3. If any person have unlawfully broken or destroyed the head of any Pond, mote, stew or severall pit, wherein Fishes are put by the owner thereof, or have wrongfully fished in the same with intent

intent to take away the Fishes against the owners will, or have wrongfully entred into any Parke used for keeping of Deere, and have hunted, killed, or driven out the Deere, or have taken away yong Hawkes or the Egges of Hawkes out of the woods of any other person, this is a Trespasse punishable at the common Law, by Fine and imprisonment, and by statutes made in England, *videlicet* in 5. *El. ca. 21.* & 3. *lac. ca. 13.* it is punishable by Fine, 3. moneths imprisonment and bonds of the good behaviour for 7. yeares, and although these statutes be not of force in Ireland, yet they may in some sort guide the discretion of the Iustices in assessing the Fyne, and inflicting imprisonment for a longer or shorter time, and the like will fall out in many other cases which are offences at the common law, and for which speciall punishments are inflicted by severall statutes in England, and are in Ireland punishable at the common Law, by Fine and imprisonment onely, of which statutes I shall make mention as they shall happen to fall in my way.

4. If any person shall rescue any distresse that is taken for rent or other service or dammage feasant, he is to bee punished by fine and imprisonment at the discretion of the Court, if there were just cause of taking such distresse.

5. Breaking of common Pounds or private Pounds, and taking out the distresses there impounded, is inquirable and punishable by fine and imprisonment at the discretion of the Court.

Offences of fraud and deceit. CHAP. 5.

1. **T**HE second sort of fineable offences tending to the defrauding of the people are extortions and oppressions by officers and ministers of Iustice in exacting more Fees by colour of their offices than are due by the Law, and likewise in exacting of Fees where none are due, these offences are misdemeanors at the common Law, and are punishable by fyne and imprisonment at the discretion of the Court. Extortions and oppressions,

2. Extortions and oppressions, in Landlords and their officers in exacting of their Tenants, an Irish pretended duty called Loghtavie, this is likewise punishable by fyne and imprisonment, as a misdemeanor at the common Law. In Landlords,

3. If Escheators take above 40. s. for the finding of an office by a statute made in 27. *Hen. 6. cap. 17.* this is an offence, for which the offender by that stat. is to be fined in the summe of 40. l. In Escheators,

4. If Sheriffes, undersheriffes, or their Clearkes shall enter plaints in the County Court without notice of the plainetiffe, or shall divide one contract or Trespasse into severall plaints, this is a fraudulent offence punishable as a misdemeanor at the common Law, and by a statute made in England in anno 11. *Hen. 7. cap. 15.* which is not of In Sheriffes,

force in Ireland, the punishment of this offence is 40.s. the one halfe to the King, and the other halfe to him that will informe.

5. If the Sheriffe shall levie the Kings debt contained in any Estreate and written for out of the Exchequer, and refuse to shew the party the Extreates under the Exchequer seale, this by severall statutes made one in 4.Ed.3.cap.9. And another in 7.Hen.4.cap.3. is an offence punishable by fyne to the King, and treble damages to the party.

6. If Sheriffes or their Gaolers that refuse to receive felons or shall take any thing for the receiving of them, this by the statute of 4.of Edw.3.ca.10. is punishable by fyne and imprisonment.

In Coroners.

3.H.7.ca.1.

7. If any Coroner shall exact more Fees for taking an Inquisition *super visum corporis* of one that is mured or killed, then thirteene shillings foure pence, which is to be paid of the goods of the offender or of the Towneship where the offence was committed in the day time, if the offender have escaped, for this offence the Coroner by the statute of 3.H.7. shall forfeit 5.l.

8. If Ordinaries or their officers shall take more Fees for the probate of Testaments, or granting letters of administration then is appointed for them to take by the statute of 28.H.8.cap.18. in Ireland, the offenders herein shall for every of their offences by force of the said statute incur the penalty and forfeiture of 10.l.

In Clarke of the peace.

9. If any Clarke of the peace take above j.s. for the inrolling of a bargain and sale, where the land doth not exceed forty shillings *per annum*, and where it exceedeth that summe ij.s. vj.d. by a statute made 10.Caroli cap.1. in Ireland, he is to be punished by fyne and imprisonment.

In Clarke of the market.

10. If the Clarke of the market take any common fyne or other reward to dispence with offences, or tarryeth any longer in the Country then the necessity of the businesse requireth by the stat. of 13.R.2.cap.4. he is for his first offence to be fyned in 5.l. for his second in 10.l. and for his third offence in 20.l.

In Mayors, &c.

11. If Mayors and chiefe officers of Townes and Corporations take excessive Fees, for sealing of waights and measures, that is to say, for sealing of every bushell more then a penny, for every other measure more then a halfe penny, for every hundred waight more then a penny, for every halfe hundred more then a halfe penny, and for every weight under, more then a farthing, by a statute made in 7.H.7.ca.3. they are for every such offence to be fyned in 40.s.

In Purveyors.

12. If any Purveyor take any bribe, or reward to spare any man, or take Corne by any other measure then the striked bushell, or take carriages without ready payment, by the severall statutes of 15.Ed.3. cap.1. 30.Ed.3. cap.3. and 1.H.5.cap.10. he is to be punished by two yeares imprisonment and ranfome, and to pay treble damage to the party grieved.

In Jurors.

13. If Jurors take any thing to make their presentments favourably

bly by the statute of *5. Ed. 3. cap. 10.* they are to bee punished by imprisonment and ransome.

14. If any person shall get into his possession any mony or other goods by any false token, or counterfeit letter, this is a misdemeanor at the common Law to be punished by a great fyne and imprisonment, and to be bound to the good behaviour, and by a statute made in England in *33. H. 8. ca. 1.* which is not in force in Ireland, he is to be punished by imprisonment of his body standing upon the pillory, or otherwise by any corporall paine (except paines of death) as shall be upon him adjudged or appointed by the person or persons before whom he shall be convict of the said offences or of any of them. By false tokens.

15. If any person shall packe fish deceitfully, mixing small fish with the countable fish, by a statute made in *22. Ed. 4. ca. 2.* he is to be fyned for every vessell so deceitfully packed *vj. s. viij. d.*

16. If any Cowper shall make vessels for Beere or Ale of unseasonable timber, this is a misdemeanor at the common Law punishable by fyne and imprisonment. By Cowpers.

17. If any Miller shall take Toll by the heape, he is to be punished by fyne and imprisonment, and likewise if he take more then the twentieth or foure and twentieth part he shall be punished in manner afore said by the statute of *31. Ed. 1.* called the statute of Bakers and Brewers, &c. By Millers.

18. If any man shall buy any pretended title to any lands or tenements, the seller being out of possession, by a statute made in Ireland *10. Caroli*, as well the buyer as the seller shall forfeit the whole value of the lands so contracted for, and also be imprisoned. By buying of pretended titles.

19. If any person shall mainetaine any suit in any Court, or any quarrels in the Countrie, he is to be punished by Fyne and imprisonment by the severall statutes of *1. Ed. 3. ca. 14.* and *1. R. 2. c. 5.* By maintainers.

20. If any person shall move pleas or suites, or cause them to be moved, either by their owne procurement or by others, and sue them at their proper Costs for to have part of the Land in variance, or part of the gaine to be recovered by such suites, such persons by the statute of *33. Ed. 1. Raſtal. Champertie 5.* are declared to be Champertors, and are to be punished in manner following, that is to say, that if any shall by covenant or contract give up his right to another by way of Champertie, the taker of such gift shall forfeit so much as doth amount to the value of the thing that he hath so acquired, *26. Ed. 1. Articuli super Chartas, cap. 11.* And by the statute of *20. Ed. 1. Raſtal. Champertie 3.* hee shall be imprisoned by the space of three yeares, and if any shall receive any Church, Advowson, land or Tenement in Fee or to farme, so long as the thing is in plea, as well the party that selleth as he that purchaseth the same, shall be punished by Fyne and imprisonment, by the statute of *Westminster the 2. cap. 49.* By Champerty.

21. If any person shall suborne or procure another to give false testimony By subornation.

testimony upon his oath in any cause depending in any of the Kings Courts, or *ad perpetuam rei memoriam*, this offence is subornation of perjury, for which the offender shall be fined in 40.l. and if he be not worth so much, then to have halfe a yeares imprisonment, and to stand upon the pillory and his testimony for ever to be disabled 28. *Eliz. cap. 1. in Ireland.*

By perjury.

22. If any person shall wilfully and wittingly foreswear himselfe in any Court of Record this is perjury, for which the offender is to be fyned in xx.l. and six moneths imprisonment, and if he have not goods to that value to be set upon the pillory and both his eares nailed to the same, and his testimony for ever to be disallowed 28. *Eliz. ca. 1. in Ireland.*

By forestalling.

23. If any person or persons shall buy any Corne, Fish, or other things comming by land or water to any market to be sold, these are forestallers, which by the statute of 31. *Ed. 1.* are declared to be oppressors of the poore, and publique enemies of the whole commonalty and Countrey, and are to be punished as followeth, *viz.* For the first time to be amerced, and lose the thing so bought, for the second time to have the judgement of the pillory, for the third time to be imprisoned, for the fourth time to abjure the Towne, and this Iudgement shall be given upon all manner of Forestallers, and likewise upon them that give them counsell, helpe, or favour, 31. *Ed. 1. Rastal. Forestallers 1.* And by another statute in 25. *Ed. 3. cap. 3.* Forestallers of wines and al other victuals, wares, and merchandises that come to good Townes by land or by water shall forfeit the thing Forestalled, if the buyer thereof hath given satisfaction to the seller, and if he hath not given satisfaction of all but only by earnest, the buyer shall incur the forfeiture of as much as the Forestalled goods amount unto, after the value, as he bought them, if he hath whereof, and if he hath not, then he shall have two yeares imprisonment and more at the Kings pleasure, without being let to mainprise, or delivered in other manner, and if he be attainted at the suite of the party, the party shall have the one halfe of such things Forestalled and forfeit, or the price of the Kings gift, and the King the other halfe.

Regrators.

24. If any person or persons shall in any Faire or market, buy any Corne, Wine, Fish, Butter, Cheese, Candles, Tallow, Sheepe, Lambes, Calves, Swine, Piggs, Geese, Capons, Hens, Chickens, Conies, or other dead victuall whatsoever that shall be brought to any Fayre or Market to be sold, and doe sell the same againe in any Faire or market holden or kept in the same place, or in any other Faire or market within foure miles thereof, these are Regrators and are to be punished by Fyne and imprisonment for this offence as a misdemeanour at the common Law, but by a statute made in England in 5. *E. 6. cap. 14.* which is not of force in Ireland these are to be punished as followeth, that is to say for their first offence to suffer imprisonment by the space of two moneths without bayle or mainprise, and also to lose

lose and forfeit the value of the goods, Cattell and victuall so by them bought or had, and for the second offence to suffer imprisonment by the space of halfe a yeare without bayle or mainprise, and to lose the double value of all the goods, Cattell and victuall so by them bought, and for the third offence to be set upon the Pillory, in the City, Towne, or place, where they shall dwell and inhabit, and to lose and forfeit all the goods and Cattell that they have to their owne use, and to be imprisoned during the Kings pleasure, and although this statute be not of force in Ireland, yet the same may serve for a good direction to the Iustices of peace to guide them in the assessing of the fyne and imposing of imprisonment upon the offenders.

25. If any person or persons shall get into his or their hands by buying, contracting or promise, taking other then by demise, grant, or lease of lands, any Corne, or Graine, Butter, Cheese, Fish, or other dead victuals whatsoever to the intent to sell the same againe these are unlawfull Ingrossers, and are to be punished by Fyne and imprisonment in all points as in the last precedent section is expressed for Regrators.

26. If any person or persons shall use any false waights or measures, by a statute made in 9. H. 5. ca. 8. they are to be punished by Fyne and Ransome.

27. Breakers of the Assize of bread and drinke are to be punished as followeth, viz. For the first, second, and third offence, unlessc the offence be very great they are to be punished by amerciament, and for the fourth offence if it be a man to be set upon the pillory, and if a woman to be punished upon the Tombrel or Cuckingstoole 51. H. 3. *Rastall, waights 2.*

28. If any person or persons shall sell, or set to sale any manner of unwholesome or corrupt meate or drinke, they are to be punished in this manner following, viz. for the first time to be grievously amerced, the second time to be set on the pillory, the third time to be fyned and imprisoned, and the fourth time he shall abjure the Towne. Statute of Bakers and Brewers, Anno 31. Ed. 1. *Rastall, Butchers 1.*

29. All victuallers are to sell their victuals at reasonable rates, for reasonable gaine, having respect to the price that such victuals are sold at in places adjoyning, so that the same sellers may have a moderate gaine and not excessive, reasonably to be required according to the distance of the place, whence the said victuals be carryed, and if any sell such victuals in any other manner, he shall pay the double of the same that he so received to the party damnified, or in default of him to any other that will pursue, and the Maiors and Bailiffes of Cities, Burrowes, Merchant Townes, and of the ports of the Sea, and other places shall have power to enquire of all and singular such persons as shall in any thing offend the same, and to levy the said paine to the use of them at whose suit such offenders shall be convicted, and

Ingrossers

False waights
and measures,Breakers of
the assize.Corrupt vi-
tuals,Selling of vi-
tuals at ex-
cessive Rates.

in

in case that the same Maiors and Bailiffes be negligent in doing execution of the premisses, then the same Maiors and Bailiffes shall pay the treble value of the thing so sold to the party damnified, or to any other that in default of him will pursue. And neverthelesse they shall be grievously punished towards the King. 23. Ed. 3. ca. 6. and 12. R. 2. ca. 3. and 13. R. 2. cap. 8.

Deceit in Artificers.

30. All Artificers, as Tanners, Clothiers, Dyers and all other Tradesmen whatsoever, which shall use any deceit in their Trade, or making of their manufactures, are by the common law to be enquired of and presented, and to be punished by Fyne and imprisonment, and by divers statutes made in England they are to have more grievous punishment, but those statutes are not of force in Ireland.

Goldsmiths.

31. If any Goldsmiths shall worke any base mettall, and not of the true allay, or shall use any other deceit, they are to forfeit the value of the thing wrought: and for gilding upon base mettall, they are to forfeit ten times the value, 37. Ed. 3. cap. 7. 2. H. 5. ca. 4. 8. H. 5. c. 3. 28. Ed. 1. cap. 20.

Imbracery.

32. If any person or persons shall embrace any Iurors by bribes to finde a verdict for the one partie or the other, in any suit whatsoever, the offendour is to be grievously punished, viz. to forfeit ten times as much as was given by way of embracery, and also to be imprisoned at the discretion of the Court. 5. Ed. 3. cap. 10.

Bribery.

33. If any officer or minister of Iustice shall take any bribe to neglect the doing of his office, or to doe his office falsely or corruptly, he is to be punished by the common law by Fyne and imprisonment.

Conspiracy.

34. If any Tradesman, Artificers, Labourers or servants shall combine and conspire not to worke or serve at the rates published by the Iustices of peace, this is a misdemeanor at the common law, and punishable by fyne and imprisonment.

35. If any persons shall make any conspiracy or combination by colour of Iustice to take away any mans life maliciously without cause, this is a high misdemeanor, and to be grievously punished by the villanous Iudgement, viz. imprisonment during life, the offendours testimony to bee rejected, his house to be rased, his medowes plowed, his woods to be rooted up, and his person never to approach any of the Kings Courts.

36. If any person or persons shall wittingly forge or cause to be forged any false deeds or writings, or publish the same, knowing them to be forged, this is a misdemeanor punishable at the common law by Fyne and imprisonment, and may bee so punished by the Iustices of peace, but by a statute made in 28. El. cap. 4. in Ireland, if it concerne Inheritance or Freehold of any lands, or hereditaments, it is punishable by Pillorie, losse of Eares, slitting the Nose, forfeiture of land during life, and perpetuall imprisonment: but this punishment is to be inflicted by the Iustice of Assize, or Iustice of

Oyer

Oyer and Terminer, and not by the Iustices of Peace.

Offences of Omission. CHAP. 6.

1. **T**He third sort of fineable offences are omissions in officers, Omissions;
and others in not doing and performing such things as by the
Lawes of the Kingdome they ought to doe; for as the Lawes pro-
hibit the doing of such things as are unlawfull, so likewise they com-
mand the doing and performing of other duties which are for the
preservation of the peace and good government of the Common-
wealth, and therefore if Constables shall not set forth nor levie Huy In Constables.
and Cry after Felons and Traytors upon notice to them given, this
is a grievous offence of omission, tending greatly to the prejudice
of the Common-wealth, and by the statute of 13. Ed. 1. ca. 1. & 2. cal-
led the statute of *Winchester*, to be punished by a great Fyne and im-
prisonment.

2. If Constables shall bee negligent in the apprehending and
punishing of Rogues, Vagabonds and sturdy beggars, and others
that begge without licence, or having Licences begge out of the
limits appointed for them to begge in. Such Constables for their
neglects by a statute made 33. H. 8. cap. 13. in Ireland, are to be puni-
shed by Fyne and imprisonment.

3. If Constables shall be negligent in appointing the watch in
every Towne by a statute made in 5. Ed. 4. cap. 5. in Ireland, they are
to be punished by a Fyne of three pence for every time that they shall
faile in this particular.

4. If Constables shall not doe their best endeavour to part an Af-
fray, and to see the Kings peace preserved, and to apprehend the of-
fenders, and bring them before a Iustice of peace, this is a neglect of
their dutie, and punishable at the common Law by fyne and im-
prisonment.

5. If Constables shall not make search, for idle and suspected per-
sons and common gamesters, that live idly and expensively, having
no meanes to maintaine themselves, and bring them before a Iustice
of peace, this neglect is a misdemeanor at the common law, and
punishable by fyne and imprisonment.

6. If Constables shall neglect or refuse to apprehend Felons or
Traitors, or to make search for them upon request or notice given
them, this is likewise a misdemeanor at the common law, and punish-
able by fyne and imprisonment.

7. If Constables or any other officers or ministers of Iustice shall Neglect of offi-
cers & others.
refuse or neglect to execute the warrants of any Iustice of peace to
them or any of them directed, this is likewise a misdemeanor at the
Common law, and punishable by fyne and imprisonment.

8. If any person or persons shall refuse to follow Huy and Cry
after

after Felons and Traytors at the Constables command by the Statute of *Winchester* made *Anno 10. Edw. 1. cap. 1. & 2.* they are to be punished by fine and imprisonment.

9. If any person or persons shall refuse to assist the Constable to make search for and to apprehend Felons or Traytors, or other suspected persons, or to convey prisoners to the gaole, or before a Justice of the peace, this is a misdemeanor at the Common Law, and punishable by Fine and imprisonment.

10. If any person shall refuse or neglect to keepe the watch, when he shall be required by the Constable, this is likewise a misdemeanor at the common law, and punishable by fine and imprisonment.

Neglect of
Townships.

11. If any Township shall permit and suffer sturdy beggers, Rogues or Vagabonds to abide in or passe through their township without punishment, or other impotent beggers which begge without licence; The Township is to be punished in manner following, *viz.* To be fined for every impotent begger 3.s.4.d. and for every sturdy begger, Rogue or Vagabond 6.s.8.d. and this by the statute of 33. *H.8.ca.15.* in Ireland.

12. Every Township ought to have stockes for the punishment of Rogues, Vagabonds, and sturdy beggers, and likewise for the safe keeping of breakers of the peace, and other malefactors, untill they can conveniently be brought before a Justice of the peace; And also common and overt pounds, wherein distresses are to be impounded, and such townships as shall want such stockes and common pounds, are to be punished by fine at the discretion of the Justice of peace.

Servants, La-
bourers and
Artificers.

13. If any servant, artificer or labourer shall refuse to worke or labour at the wages rated by the Justice of peace, or shall take more wages then according to the rates published by the said Justices by the stat. of 33. *H.8.cap.9.* in Ireland, they are to be punished in manner following, *viz.* To forfeit so much as they take above the rates, and imprisonment at the discretion of the Justices of Peace.

14. All such as are idlers and will not labour at all, and yet have nothing to maintaine themselves are to be enquired of & presented, and to be punished by the Common law by fine and imprisonment, untill they finde sureties to labour, or for the good behaviour, at the discretion of the Justice of peace.

Defects of
Bridges, &c.

15. All defects of Bridges, causeys and high-ways are to bee presented in the generall Sessions of the peace, and all such as ought to repaire the same, whether it be the whole countie, one or more Barronies, Parishes, or any one person in particular, they are to be fined for their neglect herein by the common Law.

16. If the Ministers, Churchwardens, and Constables shall not upon Tuesday or Wednesday in Easter weeke yearly chuse Surveyors for the high-ways according to the stat. in that case provided;

ded; This neglect of theirs ought to bee presented at the generall Sessions of the peace, for which they are to be punished by fine and imprisonment; *11. Iacob. cap. 7.* in Ireland.

17. If the Surveyors for the high-ways or any of them being chosen, as in the next precedent Section is specified, shall refuse to execute that office by the stat. of *11. Iac. cap. 7.* in Ireland; every of them so offending is to forfeit ten pounds for such his neglect.

18. All inhabitants of every parish by the said stat. of *11. Iacob.* are to labour six dayes at the appointment of the Surveyors for mending of the high-ways within their severall parishes in manner following, *viz.* Every Parishioner that hath a waine or Cart is to labour with his waine or cart with two men, and in default thereof to forfeit for every day twenty shillings, and every other person being a house-holder shall send one man to labour in the amendment of the high-ways, and Cashes or Causeys, or else in default thereof, every such person making default, is to forfeit for every such default two shillings; And every of the said Waines, Carts, and persons are to labour eight houres in every of the said six daies.

19. All persons that have lands adjoyning to any high-ways are to scoure their ditches, and to cut the paces adjoyning to such high-ways, so as the high-ways be not impaired or annoyed for want of scouring of the ditches or cutting of the paces, or in default thereof every person so offending is to forfeit twenty pounds by the said statute of *11. Iac. cap. 7.*

20. The neglects of all officers or ministers of Iustice whatsoever in the execution of their severall offices, whereby the common-wealth receiveth any prejudice, are to be presented at the generall Sessions, and by the common law they are to be punished by fine and imprisonment at the discretion of the Court.

21. The neglect of repairing to the church to heare Divine Service upon Sundayes and Holy-dayes is likewise to be presented, and the partie offending for every such neglect upon any Sunday or Holy-day is to forfeit one shilling. *2. Eliz. ca. 2.* in Ireland. Not repairing to the Church, &c.

22. If any person or persons shall refuse to be assistant to the Iustices of peace, Sheriffe, or undersheriffe, when they shall be required to aide them to arrest the offenders in riots, routs, and unlawfull assemblies, and other malefactors; this by the common Law is inquirable at the generall Sessions of the peace, and to bee punished by fyne and imprisonment at the discretion of the Court. Refusing to assist the Iustices of peace, &c. to arrest Rioters, &c.

Other abuses and enormities tending to the dishonour of God, or the prejudice of the Common-wealth. CHAP. 7.

THe fourth sort of finable offences are these: *viz.*

1. The prophaning of the Sabbath by keeping faires, or markets, Prophaning the Sabbath.

kets, by manuell labour, by playes or haunting Tavernes and Alehoules, and these are inquirable in the generall Sessions of the peace, and to be punished by imprisonment and bonds of the good behaviour; and this by the rule of the Common Law, and the first *Affignamus* of the Commission of the peace.

2. Keeping of Faires or markets in Churches or Church-yards is likewise punishable, and by the statute of 13. *Edw. 1.* called the stat. of *Winchester*, to be punished by fyne and imprisonment.

Depraving the
Book of Com-
mon Prayer.

3. Depraving of the Booke of Common Prayer by word or by writing, or the using of any other Common Prayer or administration of Sacraments then such as are prescribed in that Booke is inquirable, and by the stat. of 2. *Eliz. cap. 2.* in Ireland, to be punished in manner following, *viz.* If the offendour be an Ecclesiasticall person, for the first offence he is to forfeit the profits of all his spirituall promotions for the space of one yeare, and to suffer imprisonment by the space of six months; for his second offence he is to suffer imprisonment by the space of one whole yeare, and to be deprived of all his spirituall promotions; and for his third offence to be deprived *ipso facto* of all his spirituall promotions, and suffer imprisonment during his life: And if the offendour be a lay person, or one that hath not any spirituall promotion, he shall for his first offence suffer imprisonment by the space of one whole yeare without baile or maineprise, and for the second offence he shall suffer imprisonment during his life. 2. *Eliz. cap. 2.* in Ireland.

Disturbing the
Minister.

4. If any person or persons shall disturbe the Minister in execution of his function according to that Booke of Common Prayer, this is likewise inquirable, and the offendour herein for his first offence is to forfeit an hundred marke, or in lieu thereof to suffer imprisonment for the space of six months; for his second offence hee is to forfeit foure hundred markes, or to suffer imprisonment by the space of twelve months; for his third offence he is to forfeit all his goods and Chattles, and to be imprisoned during his life. 2. *Eliz. c. 2.* in Ireland.

Curling and
swearing.

5. Such as use to curse and sweare, by the statute of 10. *Car. cap. 1.* in Ireland, are to forfeit for every such oath or cursing one shilling.

Common
Drunkards.

6. Likewise common Drunkards are to be enquired of; for this is an offence at the Common Law, and contrary to good government, and such are to be punished by imprisonment and bonds of the good behaviour.

Common
Adulterers.

7. So likewise common adulterers by the rule of Common Law are to be enquired of and to be punished by imprisonment and bonds for the good behaviour.

Common baw-
dy houses.

8. And in like manner keepers of common bawdy-houses, and such as frequent them are by the Common Law to be punished by fyne and imprisonment, and to be bound to their good behaviour.

9. Keepers

9. Keepers of common gaming-houses, and common gamesters are to be punished by fyne, imprisonment and bonds for the good behaviour as a misdemeanor at the common Law. Common Gaming houses.

10. In like manner Alehouse-keepers and Taverners, that keepe disorder in their houses, are to bee presented for this offence as a misdemeanor at the common law, and are to be punished by fyne, imprisonment and bonds of the good behaviour. Alehouses and Tavernes.

11. All such persons as shall kill or destroy any frye of Salmon or Eeles with any nets or Engines are to be presented, and by the statute of 10. Car. cap. 14. in Ireland; they are for every such offence to forfeit fortie shillings, and also their nets and Engines. Destroying of Frye, &c.

12. If any person or persons shall take or convey away or cause to be taken or conveyed away any maid or woman-child unmarried being within the age of fixteene yeares out of or from the possession, custodie or governance, and against the will of the father of such maid or woman-child; or of such person or persons to whom the father of such maid or woman-child by his last will and testament or any other act in his life time hath or shall appoint, assigne, bequeath, give or grant the keeping, education or governance of such maid or woman-child, except such taking and conveying away as shall bee had, made or done by or for such person or persons as without fraud or covin be or then shall be the master or mistrisse of such maide or woman-childe, or the guardian in foccage, or guardian in Chivalrie of or to such maid or woman-child; every such person so offending, being above the age of 14. yeares, shall suffer imprisonment by the space of two whole yeares without baile or mainprise; and if the said maid or woman-childe, so taken away as aforesaid, shall be defloured or against the will, or unknowing of or to the father of any such maid or woman-childe, if the Father be living: or against the will or unknowing of or to the mother of any such maid or woman-childe, having the custodie and governance if the father bee dead, or shall by secret letters, messages or otherwise be contracted or married, except such contract shall bee made by the consent of such person or persons as by the title of wardship shall have or bee intituled to have the marriage of such maide or woman-childe, then every such person so offending shall suffer imprisonment by the space of five yeares without baile or mainprise, 10. Caroli, cap. 17. in Ireland. Taking away of yong maids, &c.

13. If any person or persons shall plow, harrow, draw or worke any horse, gelding, mare, garron or colt by the taile, or shall cause, procure, or suffer any other to plow or harrow his ground, or to draw any other carriages with his Horses, Mares, Geldings, garrons or colts, or any of them by the taile; or shall pull the wooll of any living sheepe, or cause, or procure the same instead of shearing or clipping of them, hee is to be punished by fine and imprisonment at the discretion of the Court, 11. Car. cap. 15. in Ireland. Plowing by the Tayle.

Burning of
corne in the
straw.

14. So likewise if any person whatsoever shall by himselfe, his wife, children or servants burne, or cause to bee burned, any corne or graine in the straw, of what kinde soever, he is to be imprisoned in the common gaole of the county for the space of ten dayes without baile or mainprise, and the delinquent to pay the charge of sending him to the gaole as aforesaid; and for his second offence to be imprisoned by the space of a whole yeare without baile or mainprise, and to pay the charges as aforesaid; and for the third offence to forfeit fortie shillings, and to be bound to the good behaviour, and to pay the charges as aforesaid; the said fortie shillings to bee paid towards the reliefe of the parishioners in the said gaole unto the hands of the chiefe magistrate of the place where such gaole is before the offendour be discharged. *11. Car. cap. 17. in Ireland.*

Colhering.

15. If any person that hath no meanes of abilitie of his owne, or sufficient meanes of support from his parents and kindred shall walke up and downe the countrey with their fosterers or kindred, and retinue, with one or more grey-hound or grey-hounds, or otherwise, or shall cosher, lodge or cesse himselfe, his followers, horses or grey-hounds upon the inhabitants of the countrey; or shall directly or indirectly exact meat or drinke, or money from them, or shall crave any helpes in such sort as the poore people dare not deny the same for feare of some scandalous rimes to be made upon them, or some worse inconvenience to be done unto them: Every Iustice of peace is to apprehend or cause to be apprehended all such offenders, and to binde them to their loyalty, or to the good behaviour, as in their discretion they shall thinke fit, and to commit the offenders, untill they finde such securitie; and the Sheriffe, bailiffes, Constables, Provost Marshals, and all other his Majesties Loyall subjects are to be aiding and assisting upon request of the Iustices of peace, in apprehending of such Colherers and wandring idlers, and if they shall make default herein, they are to be punished for their neglect by fyne and imprisonment at the discretion of the Court. *11. Car. cap. 16. in Ireland.*

Selling wine or
other liquor.

16. If any person shall sell wine, Ale, or other liquor within any citie or towne franchised by measures not sealed, he is to be punished by a fine of ten shillings for every time hee shall offend herein, *28. H. 6. cap. 3. in Ireland.*

English habit
and language.

17. By a statute made in *28. H. 8. cap. 15. in Ireland*, all manner of persons should use English apparell, habit and language, or in default thereof to be punished as followeth, *viz.* every Lord spirituall and temporall that shall offend herein is to forfeit 6.l. 13.s. 4.d. every Knight and Esquire, 40.s. every Gentleman or Merchant 20.s. every Free-holder and Yeoman 10.s. every Husbandman 6.s. 8.d. and all others 3.s. 4.d. for every offence.

Leazors of
corne,

18. Such as use leazing of corne in Harvest, and are able to labour for wages, and will not, are to be punished in manner following, that is,

is, for every time offending to loose all the Corne gathered by leazing, and to forfeit one shilling, and also the owner of the Field that shall willingly suffer such leazers is to forfeit for every time one shilling. *28.H.8.cap.24.* in Ireland.

19. Such as keepe Inmates in harvest that refuse to labour for wages, and imploy themselves in leazing of Corne, the Keepers of such Inmates are to be punished by forfeiture of 6.s. 8.d. for every such offence. *24. H.8.cap.24.* in Ireland. Inmates.

20. Whosoever shall keepe Swine upon any Strand where the Sea doth ebbe and flow, whereby the Spawne of fish is destroyed; the same swine are forfeit, and it is lawfull to any person that will, to seize upon them as forfeit; and if such swine shall be rescued from him that shall so seize the same, the person or persons so rescuing are to be punished by fyne and imprisonment. *11. Eliz.cap.3.* in Ireland. Keeping of swine, &c.

21. If any person or persons shall lay any Hempe or Flax to bee watered, or shall lay any lymed hydes in any fresh river; the partie offending by the Stat. of *11. Eliz.cap.5.* in Ireland, is to forfeit the Hempe, Flax and Hydes, or the treble value of the same. Hempe and Flax, &c.

22. If any person or persons shall stop or straighten any high-ways, this is an offence punishable at the common Law by fyne and imprisonment at the discretion of the Court. Nusans.

23. So likewise the stopping or diverting of any water-courfe, whereby any common way or passage is annoyed, this is an offence at the Common Law, and punishable in manner following, *viz.* by fyne and imprisonment at the discretion of the Court, and by abatement of the nusans.

24. In like manner the casting of dung or any other thing into any common street or high-way which doth in any sort annoy the passage, is an offence at the Common Law, and punishable by fyne and imprisonment, and removing of the nusans, as in the next precedent Section is set forth.

25. By a statute made in *33.H.8.cap.2.* in Ireland, it is enacted, that no person or persons shall buy any Hydes, Fels, chequers, Flegs, Yarne, Linnen-cloath, wooll or flockes, to sell againe in any other place but in markets or faires; the offendour by the said statute is to be punished as a Fore-staller. Buying out of market.

26. If Ordinaries upon the admission of incumbents shall not give an oath to such incumbents to keepe a schoole in their parishes; every such ordinarie for every such neglect is to forfeit 3.l.6.s.8.d. *28.H.8.cap.15.* in Ireland. Schoolers.

27. So likewise such incumbents as shall not keepe a Schoole in their parishes for the teaching of English by the said statute of the *28. H. 8. cap.15.* in Ireland, is to forfeit for the first offence 6.s.8.d. for the second offence 20.s. and for the third offence to loose their benefices.

28. If

Sheriffes.

28. If any Sheriffe shall let his bailiwicks to farme, by the statute of 23.H.6.cap.10. he is to forfeit 40.l.

29. If any Sheriffe shall refuse to let men to baile, which by the Law are baileable, he is to forfeit 40.l. to the King, and treble damage to the partie. 23.H.6.cap.10.

30. Sheriffes that shall levie any fines or amercements by reason of any indictment or presentment in their Turne Courts, without proceffe from the Iustices of peace, or that have not brought in such indictments or presentments to the next generall Sessions of the peace, are to forfeit 40.l. 1.Edw.4.cap.2.

Undersheriffs,
&c. to be
sworne.

31. Undersheriffes, bailiffes of Liberties, and others that take upon them to returne pannels, or tales, or medle with the execution of proceffe, before they take the oath for the true execution of their offices according to the statute of 10. Car. in Ireland, are to bee fined in 40.l. to the King, and pay treble damage to the party grieved. 10.Car.cap.18.

32. If undersheriffs, bailiffes, and others shall doe any thing contrary to their oathes mentioned in the next precedent Section, they are by the said Statute of 10. Car. to forfeit 40.l. to the King, and treble damage to the partie grieved.

Purveyors.

33. Purveyors that take any thing by way of purveyance to the value of fortie shillings or under without making present payment, are to forfeit the value of the thing so taken, and loose their offices. 2.H.4.cap.14.

Keeping of
greyhounds.

34. Artificers, Labourers, and other Laymen that have not lands worth 40.s. *per annum*, or Priests that have not 10.l. *per annum*, that shall keepe any grey-hound or any dogge to hunt, or use any Ferrets, nets, or other engines to kill Deere, Hires or Conies, are to suffer a yeares imprisonment, 13.Rich.2.cap.13.

Constables.

35. Constables that have not given assistance to the owners of goods, to resist Purveyors that take goods under the value of 40.s. without making present payment, and any of the Kings officers that have procured any to be arrested or vexed for such resistance, such officer is to be fyned in 20.l. and the Constable in the value of the thing taken, and double damage to the party, 20.H.6.cap.8.

Raising Hue
and Cry.

36. All such persons as have raised Hue and Cry without cause, they are to be punished by fyne and imprisonment.

Escape by negligence.

37. If any person arrested or imprisoned for treason or felony have by negligence been suffered to escape, the Gaoler or such other persons as had the custodie of him shall be punished by fyne and imprisonment.

Giving of liveries.

38. Giving of Liveries unto such as are not household servants is to be punished by imprisonment, fyne and ransome, the retayner to loose 5.l. and the party retained likewise to loose 5.l. for each month, 1.Ric.2.cap.4. 20.Rich.2.cap.1. & 2. 1.H.4.cap.7. 7.H.4.ca.14.

Buying of
Corne.

39. If any person, having store of Corne of his owne, doe buy
Corne

Corne in the market, he shalbe punished as a regrator, which punishment is by fyne and imprisonment. 8. *Edw. 4. cap. 2. in Ireland.*

40. Butchers, Fishmongers, Inneholders, and other sellers of victu- Butchers and
Fishmongers.
als are to sell the same at reasonable rates and prices, and for moderate gain, and such as shall doe otherwise shall forfeit double the value of that they shall receive. 23. *Edw. 3. cap. 6.*

41. Tylemakers that have not digged and cast up earth for making of Tyle till after the first of November, and have not turned it untill after the first of February are to loose double the value, and the Tyles so made. 17. *Edw. 4. ca. 4.* Tyle-makers.

42. Tylemakers that make, or any person that putteth to sale any plaine Tyle under ten inches and an halfe in length, six inches and a quarter in bredth, and halfe an inch and halfe a quatter in thicknesse, with convenient deepnesse; or any gutter Tyle under ten inches and an halfe in length with convenient thicknesse, bredth, and depth, the offender to be punished in manner following (*viz.*) for every hundred of plaine Tyle to forfeite 5.s. for every hundred of rooffe Tyle 6.s. 8.d. and for every hundred of gutter Tyle 2.s. 17. *Ed. 4. cap. 4.*

43. If any searchers appointed for the true making of Tyle have not done their endeavour in that behalfe they are to forfeite for every default x.s. 17. *Edw. 4. cap. 4.*

44. If any person shall disturbe the execution of the stat. against Rogues and sturdy beggers the offender therein is to forfeite 5.l. ster. 33. *H. 8. cap. 15. in Ireland.* Rogues.

45. Sheriffes that doe not appoint foure Deputies at the least to make Replevins, not twelve miles distant one from an other, are to forfeite 5.l. 10. *Caroli cap. 25. in Ireland.*

46. Gaolers taking Fees of servants, artificers, or Labourers, that refuse to serve, shall forfeit x.l. to the King and v.l. to the party grieved. 34. *Edw. 3. cap. 9.* Gaolers.

47. Libellers and raisors of schandals upon magistrates and ministers of Iustice are to be punished aswell by the common Law, as by the statute of *Winchester cap. 33.* and by the statutes of 2. *Rich. 2. cap. 5.* and 12. *R. 2. cap. 11.* by fyne and imprisonment at the discretion of the Court and to be bound to the good behaviour. Libellers.

48. Finally, all manner of offences whatsoever which tend to the disturbance of the publique peace, or to the oppression or defrauding of the people, or to the maintenance and upholding of any disorder in the common wealth, or that may any wayes trench upon the settled government of the Church or common wealth are inquirable in the Sessions of the peace, and are aswell by the Commission of the peace as by the rule of the common Law to be punished by fyne, imprisonment, bonds of the good behaviour, or otherwise at the discretion of the Court, as the cause shall require.

*Of the indictments and presentments given by the Iurors, and
of the matter and forme, and receiving and rejecting
of them. CHAP. 8.*

1. **T**He preparation to this Enquiry thus made, let us goe neare and looke also into the performance of the same, the understanding or knowledge which the Iustices of the peace doe take by the travell of these enquirors, is by their report put in writing and commonly called an indictment, or presentment betweene the two, which words (howsoever they be confounded, or not rightly distinguished, in common speech) me thinketh that there doth easily appeare a true and certaine difference:

Lamb. li. 4.
pag. 485.

Presentment &
indictment.
Ibid.

2. For I take a presentment to be a meere denuntiation of the Iurors themselves or of some other officer (as you shall hereafter heare) without any Information, and an endictment to be the verdict of the Iurors grounded upon the accusation of a third person, so that a presentment is but a declaration of the Iurors (or officers) without any bill offred before, and an endictment is their finding of a bill of accusation to be true.

Indictments

Lamb. li. 4.
pag. 486.

3. An indictment ought therefore to be the verdict of Iurors that be charged to enquire of that offence which is presented by them, for if A. be indicted of stealing the goods of B. and pleadeth thereto not guilty, and the Iury findeth that C. stole his goods, and that A. tooke them from him, but not feloniously, this verdict shall not stand for an indictment against C. because that Iury had no charge to enquire generally who did the felony, but to try specially whether A. were hereof guilty or no. *13. Ed. 4. 3.*

Ibid.

4. But if A. be arraigned upon an Indictment of murder taken before the Coroner, and is not found guilty; Now the Iury ought to finde who is guilty thereof, and if they say that C. killed the man, that verdict shall serve for a good endictment against C. because the Iury had taken so much in charge, *ibidem.*

5. This also is generally true, that all bills, informations, and indictments grounded upon penall statutes (wherein the King only is to reape the forfeiture) ought to be commenced within three yeares next after the offence committed, and if the suite be given to any other person for him and the King, that ought also to commence for the King within three yeares, but if a common person shall informe for himselfe and the King, then the Information, &c. must be commenced within one yeare next after the offence done, otherwise it is meerely voyd, unlesse longer or shorter time be limited by that speciall statute upon which the Information, indictment, or presentment is made and framed. *28. H. 8. cap. 21. in Ireland.*

Lamb. li. 4.
pag. 487. &
488.

6. Furthermore all indictments, forasmuch as they be in the nature of a declaration, ought to containe certaintie, and therefore (as
faith

saith Master Marrow) five principall things be most commonly requisite in presentments before the Iustices of peace, viz.

1. First the name, surname, and addition of the party indicted.
2. The yeare, the day and place in which the offence was done.
3. The name of the person to whom the offence was done.
4. The name and value of the thing in which the offence was committed.

5. The manner of the fact, and the nature of the offence, as the manner of the Treason, murder, felony, or Trespasse.

6. The name and surname of the party indicted must be certainly expressed, and if the indictment be of an accessory in felony, the name of the principall must be set downe also, for if the indictment be *quod A. mandavit cuidam ignoto occidere B. quod fecit*, this is vitious, but in Treason, Trespasse, or Murther, where all be principals, it may be *quod procuravit personas ignotas* to doe the Treason, Trespasse, or Mayheime. *Mar. & Lambart li. 4. pag. 488.*

7. Besides the name and surname of the party indicted, there ought also (by the statute *1. H. 5. ca. 5.*) in every presentment wherein proesse of utlary lyeth, to be added his estate, degree, or mystery, and the County, Towne, Hamlet, or place, where he is, or was conversant, and even so ought it to have beene at the common Law, touching names of dignity made by creation, as Duke, Marquesse, Earle, Viscount, Archbishop, Bishop, Knight, or Sergeant at the Law, because every of these titles were accounted parcell of the name, but it was not so, for the names of Baron, Banneret and Esquire which are names of dignity without creation, nor for Chancellor, Treasurer, Chamberlaine, Sheriffe, Coroner, Escheator, Bailiffe, Deane, Archdeacon, Deacon, prebendary, or parson, which are names of dignity by reason of office onely, unlesse the presentment did charge them in respect of their offices, for then the name of office also as Bailiffe or Escheator ought to be used in the indictment. *Marrow.*

8. But now Baron, Knight, Esquire, Gentleman, Alderman, Widow, Single woman, Deane, Archdeacon, Parson, Doctor, Clerk, Parish Clarke, are good additions of estate or degree (as I take it) within the meaning of this statute of additions, but farmer, servant, Butler, Chamberlaine are not, because they be common to Gentlemen, and Yeomen, and they be uncertaine, so Merchant, Grocer, Mercer, Tayler, Broker, Husbandman, Hostler, Labourer, Lighterman, Waterman, Spinner, &c. be good additions of mysteries, but Citizen is not, because it is no mystery, Art, or degree, neither is Extortioner, Maintainer, Vagabond, Hereticke, Dicer, Carder, or such like, any good addition, because they are every one evill and against the Law.

9. And this part of the addition of estate, degree, or mystery must alwayes be knit to the proper person for *Sybilla Baill nuper de T. in Dyer fo. 47. Com. D. uxor Iohannis Baill nuper Spinster* was rejected, because Spinster

was more properly to be referred to *John* (which is the last antecedent) then to *Sybilla Collect. Dyer 47.*

10. Also by the said statute (as I said) the addition ought to comprehend the County, and the Towne and Hamlet, or place knowne (out of any Towne or Hamlet) whereof the party is or was, so that if there be diverse Hamlets in one Towne, he may be named of a place knowne, and if the place be within a Towne, then he must be named of the Towne. *35. H. 6. 30.* and if both the Towne and the Parish doe beare one name, he may be named of the one, or of the other of them, but if there be two Townes in one Parish then he ought to be named of the Towne, and not of the Parish. *5. Ed. 4. 129. 22. Ed. 4. 2. and 22. H. 6. 41.*

Lamb. li. 4.
pag. 490.

11. An indictment against A. the Parson of Dale is not good without naming of the place of his abode, because he may lye at another place then where his benefice lyeth. *25. Eliz. Cur. Rep. Crompton.*

Alias dictus.

12. As for the *Alias dictus* which is often put in the addition, the use thereof is chiefly in writs grounded upon specialties, and to make the writ and writing to agree, for (as touching endictments) if the party be not well named, both for his name of baptisme, surname, mystery, or degree and place, at the first, then cannot the *alias dictus* make that good, which was not good before.

13. And it appeareth (*1. Ed. 4. 2. and 2. Ed. 4. 16.*) that the addition of the degree or mystery must alwayes be such as the party hath at the very time of the indictment, but the addition of the place may be of such place where he was at any time before dwelling, so as the word *nuper* be used with it.

The yeare, day
and place.

14. Furthermore the indictment must containe the day, yeare and place, in which the offence was committed. *8. Ed. 4. 8. 2. H. 7. 7. and 25. Ed. 3. 43.* and therefore if the indictment suppose it the X. day of March without any more that is not good, but if it be the X. of March last past without shewing in what yeare, that is good enough, for the certainty may be found out by the stile of the Sessions, so if it be the tenth day from Easter *anno 4. Caroli* that is good, likewise if it be in the *Vtas* of the holy Trinity, for it shalbe there understood to be the very day of the *Vtas*, viz. the 8. day after the Feast and not *quarto die* after the *Vtas*, but if it be *in festo sancti Petri* it is not good, because there be diverse Feasts of Saint Peter and none without addition, saith *3. H. 7. Fitz. Indictments 22.*

Lamb. li. 4.
pag. 491.

15. If the indictment be, that A. stricke B. *19. die Maij anno regis nunc quarto*, whereof B. languished untill the xx. day of the same moneth *quo quidem 19. die*, he dyed of the same stroke, this is faulty, because it ought to be whereof he dyed the said xx. day, &c.

Lamb. li. 4.
pag. 491.

16. If it be *29. die Februarij* it is good enough in the biffextill (or Leape yeare) which happeneth once in every foure yeares, and which afforderth 29. dayes to that moneth, but if it should be of a day and yeare which is not yet come it is not good.

17. If

17. If it be *Anno Domini 1599.* the yeare shalbe accounted after the computation of the Church of England and not *stilo novo*, as it is now at Rome, and other Countreyes abroad.

18. If the offence be done in the night before midnight, the indictment shall suppose it to be done in the day before, and if it happen after midnight, then it must say it must be done that day after, if it be *in festo* of any Saint, it shalbe construed to be in the very day of the Feast and not in the Eve, but if the presentment be in the negative or in the affirmative rising upon a negative, as that A. hath not scowred such a Sewer, or that by the not scowring thereof such meddowes be drowned, in these cases there needeth no yeare, nor day because it affirmeth a present evill. *Mar.*

Lamb. li. 40
pag 492.

19. But as a man may be too negligent in omitting, or in not hitting the time, so also may he be over curious in doubling it without cause, for if he frame the indictment, that A. stole certaine goods such a day, and such another day, that is not good; because one felony cannot be twice committed. *2.H.7.7.*

20. But not onely this certainty of time, but that of the place must be contained in the indictment, for it was adjudged (*25.E.3.43*) that a man should not be put to answer to an indictment of killing the Kings Deere, because there was no place named, in which the offence was done, so an indictment supposing a felony to be done in such a place of such a County, where in truth there is no such place in that County, is meerely voyd by the statutes *9.H.5.c.1.* and *18.H.6.ca.12.*

Place.

21. If a man being stricken in Middlesex had dyed thereof in Essex, the Bookes. *3.H.7.12. 4.H.7.18. 6.H.7.10. 7.H.7.8. 10.H.7.28.* and *11.H.4.&c.* did not agree, in which of these Countyes he should be indicted, but the statute of *10.Car.ca.19.* taketh order, that if the stroke or poysoning happened to be in one County, and the death in another County, the indictment in the County where the death is, shalbe good, and likewise, that if a Murder, or Felony be done in one County, and a man becommeth accessary to it in another County, the indictment against the Accessary shalbe good in that County, wherein he becommeth accessary.

22. Where (by the way) you may see in plaine words of this statute, that Iustices of the peace may take indictments of murder, as of murder, though Master *Fitz. fol. 17.* denyeth it, saying, that they cannot enquire of murder, saving only as of felony or manslaughter, but by the statute of *10.H.7.ca.21.* in Ireland murder of malice prepenced is made high Treason, and Iustices of peace by their Commission in Ireland may inquire of it as Treason, but they may not proceed any further in it.

23. And you shall read of an indictment of murder (before them) recorded in *3.H.7.5.* agreeable whereunto was the opinion of *Hales* and *Portman* Iustices, as appeareth in a Report of *Dallison* Iustice, and
of

Lamb. li. 4.
pag. 493.

of the same minde also were the Iustices of the Kings Bench. 5. Ed. 6. Collections, Dyer fol. 69.

24. If a man be robbed by the highway in Middlesex and apprehend the Theefe by Huy and Cry in Essex, having the goods about him, now may the Theefe be indicted of felony in Essex, but not of robbery by the high way, for he is a felon of those goods whersoever he be found with them, but he is no Robber by the high way, save only in that County where the Robbery was committed, & debet, (saith Master Bract.) *quisq; jure subjacere ubi deliquit.*

25. The certainty of the name of the person to whom the offence is done, is also in most cases requisite, but yet if the indictment be, *quod bona & catalla cujusdam hominis ignoti felonice cepit, & quendam ignotum felonice depredavit*, it is good, because of the Kings advantage of forfeiture thereby, Fitz. indictment 12. and by the opinion of Read and Fineux 12. H. 7. (reported by Dyer 285.) an indictment of affray and assault, *in quendam ignotum*, is good enough, because the party is at no mischief thereby, seeing that if he should be afterward indicted of that offence by the very name of the person supposed in the first indictment to be unknowne, yet might he helpe it by taking averment that it was the same and none other offence.

26. You may see an Endictment (Fitz. indictment 9.) *quod A verberavit, D. & xx. Iaccos pretij, &c.* was thought sufficient, without shewing to whom the Iackes did belong: Whereat Master Stamford (fol. 95.) marvelleth, saying, that he saw no cause why it should be good unlessse it were for that the matter could not be made more certaine; But peradventure certainty in Endictments was not in those dayes thought so needfull as now it is holden, for at this day such an endictment will be void.

27. If the goods of a Parson of a Church be taken, the indictment must be *bona Rectoris* and not *Ecclesia*, and if the goods of the Church, then *Parochianorum*, *in custodia guardianorum*, and not *bona Ecclesia*. 37. H. 6. 30. If they be the goods of a Mayor and Commonalty, and the Mayor dyeth before the Endictment, then it shalbe *bona communis*, saith Mar. but enquire of that, because they have no such name of Corporation.

28. If the Endictment be, *quod A. verberavit B. & unum equum precij xx. s. felonice cepit*, and doth not say, *ipsius B.* yet it is good enough, 30. H. 6. Fitz. Endict. 9. but at this day such endictment is voyd, or if it be *quod unum equum predict. I. cepit*, and there were no mention of I. before, then it is likewise voyd. 9. Ed. 4. 1.

29. If the goods of a man be taken and he maketh Executors and dyeth, the Endictment shall be *bona testatoris*: but if they were taken after his death, it shall be *bona testatoris in custodia executorum existentia*: If the Endictment be *quod A. furatus est tunicam hominis ignoti quem invenit mortuum*, that is not good. 11. R. 2. Fitz. Endictment 15. If a man take away a coat, armour, which hangerth over a Tombe in a Church,

Church, the Endictment shall say, *bona executoris*, of him whose Tombe it is: But if a grave stone be taken away the Endictment shall be *bona Ecclesie*, Marr. If my goods be taken by a Trespassor, and another taketh them from him the Endictment shall be *bona* of him which had the last possession.

30. But if I bayle goods to one from whom they be robbed, then it shall be *bona* of me in his keeping, Marr. If an endictment be *bona capella in custodia*, &c. or *bona domus*, or *Ecclesia tempore vacationis*, it is good. 7. Ed. 4. 14.

31. The name (and value) of the thing in which the offence is committed, ought also to be comprised in the Endictment, for an Endictment of the taking *bona & Catalla*, whether it be in Trespasse or Felony, is not good, for the uncertainty what goods they be, and if it be of dead things, it may be *bona & catalla*, expressing the names thereof in certainty, but if it be of things living, it shall not say, *bona & catalla* but *equum, bovem, ovem*, &c.

The name and the value of the thing.

Lamb. li. 4. pag. 496.

32. Againe, the value (or price) of the thing is commonly to be declared in felony, to make it appeare from petite Larceny and in Trespasse, to aggravate the fault and fyne: But yet an Endictment of the taking of beasts *fera natura* as Deere, Hares, Patridges, or Pheasants, is not good, unlesse they be taken in a Parke or Warren, that be liberties. 8. Ed. 4. 5. So of Charters, because their value cannot be esteemed.

33. In all cases (saith Master Marr.) where the number ought to be expressed in the Endictment, there also it must be said, *pretij*, or *ad valentiam*: as if it be of the taking of Doves in a Dove house, or young haukes in a wood, and where it is of a living thing or things, it must be *pretij*: and so of a dead thing in the singular number, but if it be of dead things in the plurall number, then must it be *ad valentiam*, and not *pretij*, againe, if it be of a dead thing that goeth by weight or measure, the forme is to say *pretij* and not *ad valentiam*.

Pretij, and not ad valentiam, &c.

Lamb. li. 4. pag. 497.

34. If the Endictment be of taking away Coyne, which is not currant, it shall say, *pretij*: otherwise it is of money currant, because that carryeth his value and price with it; If it be *quod proditorie fecit grossos, vel denarios*, it shall be *ad valentiam*, and it shall not say, 20. *libras in denarijs*, or *in pecunia Domini Regis*, but *ad instar pecunie Domini Regis*, Marr.

Lamb. li. 4. pag. 497.

35. Sundry other dainty and nice differences doth Master Marr. make, where a man shall say *pretij* and where *ad valentiam*, binding the Endictment to that rule which the Register taketh for the Originall writs of Trespasse: but forasmuch as Nele 9. Ed. 4. 26. saith, that Endictments be not tyed to that forme, and because that rule of the Register is not very constantly observed in Trespasse it selfe, as a thing not materiall, in the opinion of Fitzb. in his Nat. Br. fol. 88. I thought it best to make choise of these (that I have) for publicke use, and to leave the rest for private learning.

36. To

The manner of
the fact and
nature of the
offence.

36. To the further certainty of the Endictment, the very manner of the fact it selfe, and the nature of the offence, ought to be mentioned also: for if the Endictment be, *quod A. captum pro feloniam, felonice & voluntarie ad largumire permisit*, this lacketh the certainty for what felony he was taken, and is thereby voyd. 8. Ed. 4. 3. And so if the Endictment be, *quod felonice fregit prisonam apud A.* and doe not shew for what felony he was imprisoned there; So if it be that a man made a hundred shillings of Alchimy *ad instar pecunie Domini Regis*, and doe not shew like to what money, as groats, or shillings, &c. it is voyd, *Fitzh. Endict. 10.* And therefore, in murder, or manslaughter, it doth well to expresse the stroke whereof the death ensued, *Collection, Dyer 96.*

Lamb. li. 4.
pag. 498.

37. If the Endictment be, that A. spake such words against the King, and lay them downe in certaine, *vel his similia*, it is voyd for the incertainty, *Brooke action sur le case 112.* And if it be, that A. and B. *manus forti intraverunt in tenementum, &c.* that also is insufficient for the like incertainty: because the word *tenementum* may as well extend to a house or cottage, as to land, meadow, pasture, &c. *Dallison.*

38. So if the Endictment run thus: *Apud C. in Comitatu predicti. insultum fecit, & ipsum cum quodam cultello pretij, &c. felonice percussit, & ex malitia sua premeditata murderavit:* it is not sufficient, without shewing the place where he murdered him, which may be in some other place then where he assaulted him, *Collect. Dyer 69.* And an Endictment of selling tanned leather, was disliked. 1. Ric. 3. 1. because it neither contained the place where, nor the person to whom the leather was sold, both which be materiall and traversable.

39. If the Endictment be, that a man is a common Theefe, without shewing especially in what thing, it is nothing worth. 22. lib. Ass. Pl. 75. & 29. 45. And so if it be of a generall extortion against an Ordinary, without shewing in what, by 25. Ed. 3. Stat. 3. ca. 9. And so also if the Endictment stand upon these Termes onely, *Insidiatores viarum, & depopulatores agrorum*, by 4. Hen. 4. cap. 2. And thereupon the Court said in 17. Ed. 4. 4. that upon such an Endictment, the party shall be dismissed. Howbeit the Commission of the peace hath the words; *Insidijs jacuerint*, but it goeth further, *ad gentem nostram mayhemandam.*

40. Neither is it good in an Endictment against an Accessary to say, that he received the goods without saying that he received the felon. 27. lib. Ass. Pl. 69. 9. H. 4. 1. & 25. Ed. 3. 39. nor to say, that he *scienter felonem Domini Regis apud A. recepit*, without shewing what felony he committed. 7. H. 6. 65. nor without saying that he, (knowing it) received him feloniously. 7. H. 6. ca. 2. unlesse he receive one that is attainted of felony in the same County, for then he must at his perill take knowledge of the attainer, and so no such mention of knowledge needeth to be used as it is holden. 8. Ed. 4. 3. notwithstanding that opinion I thinke that it is necessary that the accessary *re vera* have notice of the felony.

41. And

41. And if such an Edictment be, *Sciens ipsos 4. homines feloniam, &c. fecisse, apud D. felonice recepit*, it is not good for that it sheweth not which of them he received. 30. H. 6. 2. and yet, if foure be endicted joyntly, then are they also each one severally endicted thereby. 6. Ed. 4. 5. per Markham.

42. Concerning the nature of the offence, it is to be observed Nature of the offence. that in an indictment of Treason (presentable before the Iustices of peace) the word *proditorie* ought to be used: In the Endictment of Murder, *murdravit* is necessary. 9. Ed. 4. 26. and that word alone implyeth, *ex malitia premeditata*, Collection Dyer 69. But if without *murdravit*, it be, *quod A. occidit B. ex malitia premeditata & voluntarie*, it is not enough, because one man may kill another, so in a wager of battell, and yet be no murderer. And for the same reason, if it be of Manslaughter, it must be *felonice*.

43. An Endictment was that the son had taken the sicke Father, and carryed him into the cold weather, whereof he dyed, but it was disallowed because it lacked *felonice*, Fitz. Endict. 3. Againe, if the Endictment be of Burglary, then it must be *Burglariter*, or *ea intentione ad feloniam sive murdrum faciendum*, for it is not enough to say, *felonice fregit domum mansionalem in nocte*: And if it be of Rape, then it must say, *felonice rapuit*, for (without *rapuit*) it sufficeth not to say, *felonice cepit Aliciam & eam carnaliter cognovit*. 9. Ed. 4. 27. & 11. H. 4. 12.

44. If it be *furatus est*, it seemeth to Marr. to be good, without the word *felonice*, but 18. Ed. 4. fo. 10. is against him.

45. If it be *felonice abduxit unum equum*, it is not of value without saying, *cepit*: neither is *cepit* good alone, without *abduxit*, Fitz. End. 4. And if it be *felonice succidit arbores & illas asportavit*, or *vi et armis succidit arbores et felonice asportavit*, neither of them will make it felony, because the Trees be a part of the Freehold, whereof no felony can be committed. 12. lib. Ass. pl. 32. But if it be *vi et armis succidit arbores et eas felonice* (at another day after) *cepit et asportavit*, that will make it felony, as I have said already, and if the Endictment be of petit Larceny it ought to have *felonice* in it. 27. H. 8. 27.

46. And albeit the Endictment be but of a Maiheme, it must say, *felonice maihemavit*, and yet *Maihem* is no felony but an haynous and (as it were) a felonious Trespasse. But where in an Endictment of felony, the word *felonice* wanteth, there the Endictment may nevertheless stand good to make a Trespasse. 7. H. 7. 7. 6. H. 7. 4. & 18. Ed. 4. 10.

47. And in an Endictment of Trespasse or felony, the words *contra pacem*, and the words, *vi et armis* (*viz.*) *cum baculis, cultellis, &c.* Stamf. fo. 93. must of necessity be used, for the statute of 37. H. 8. ca. 8. in England which maketh the Endictment good, without those words is not of force in Ireland.

48. If the Endictment be of forceible Entry, then the words *vi & armis* be needlesse, because they are necessarily implied in the word

Ecc

force

Lamb. li. 4.
pag. 502.

force *Marr.* And if the Endictment be founded upon a statute, it ought to say, *contra formam statuti, in huiusmodi casu provisi, ac editi*: or where many statutes doe concerne one offence, as in the case of Liveryes and such like, *contra formam diversorum statutorum* without speciall naming of any, and then the best shall be taken for the King, but an Endictment of a Ryot, without saying, *contra formam statuti, &c.* is not good, because it is no Riot, but by that statute. And yet, it is not of necessity, that the statute be verbally rehearsed, but only that the offence against the statute be sufficiently and with full words described, *Comment. 1. & 79.*

49. In the twentieth yeare of Queene *Elizabeth* a man was endicted upon the statutes. *1. El. cap. 1. & 13. El. cap. 2.* in England, for ayding another knowing him to be a principall mainteyner of the authority of the See of Rome *contra formam statutorum predictorum*: but because the Endictment wanted certaine materiall words (expressely mentioned in the Acts) *viz.* upon purpose, and to the intent to set forth and extoll the authority, &c. the endictment was thought insufficient by the greater part of the Iustices (assembled for that purpose) notwithstanding the words, *contra formam statutorum predictorum*, were therein contained, *Collection Dyer 363.*

50. Againe, it is not safe to recite the dayes or places, of the beginnings, continuances, prerogations, or dissolutions of the Parliaments, least by (mistaking of any of them) the whole Endictment fall to the ground thereby, *Ibid. 203.*

51. Thus farre of these points by way of short rule and direction, for the better imitation and practise whereof, you may use the helpe of such formes of Endictments as the Appendix at the end of this worke will afford you. Now let us with a few words consider what Endictments be receiveable by the Iustices of peace, and what ought to be rejected by them.

Endictments to
be received or
rejected.

52. Generally they may receive Endictments before themselves of all causes being either within their Commission, or within the statutes whereof they have to enquire. And they may also receive Endictments taken before the Sheriffe in his Turne, so that the Turne be holden within the moneth after Easter, or within the moneth after Michaelmas, and so that those Endictments or presentments be indented and sealed betweene the Sheriffe and the Iurors, and so that they be made by the oath of xij. men at the least, and that those Iurors be of good fame and *legales homines*, that may dispend yearely xx.s. of freehold, or xxvj.s. viij.d. of copihold, *W. 2. c. 14. 1. Ed. 3. ca. 17. 31. Ed. 3. ca. 14. 1. Ed. 4. ca. 2. & 1. R. 3. ca. 4.* And for this purpose the said statute. *1. Ed. 4. ca. 2.* binds the Sheriffe to certifie to the Iust. of Peace at their next Sessions, the Endictments found in his Turne or Law day.

The duty of
Iustices about
Endictments.

53. Thus much for the better assistance of our Iustices of the peace, I thought meet to say of Endictments not onely because they be

be the chiefe bases, and groundworke, whereupon the whole tryall is afterward to be built and framed, but also because the Iustices (being Iudges of the Court) ought of office to see that the bills of Endictment have sufficient matter and forme in them. 24. Ed. 3. 74.

Of the impediments of proceeding upon Endictments before the Iustices of peace, and therewithall of the Certiorari to remove Records. CHAP. 9.

1. **I**T falleth out not seldome, that when Iustices of the peace have taken an Endictment found before them, they cannot proceed to hearing and determining upon it, either because their Commission or some statute whereupon it is grounded giveth unto them no further power, but only to enquire thereof: or else because the Endictment is taken out of their hands by *Certiorari*, and convayed to Iustices of a higher authority, at the sollicitation, and by the meanes of some parties grieved, to the end that they may either traverse it above, or there avoyd it for insufficiency of forme or matter.

2. Albeit that in the removing of Pleas, betweene party and party, from inferiour to higher Courts, by Tolt, Pond, *recordare*, &c. there was wont to be a probable cause alledged, for which the same were removed: yet in this case of the Crowne there needs no cause to be comprised in the writ of *Certiorari*, because they all be the Courts of the King, against whom the offence is committed, and it breedeth neither injury to the offender, nor losse to any other person, in what Court soever the offence be tryed.

3. This *Certiorari* then, may command either the Record it selfe, or *tenorem Recordi* to be sent up, and it ought to be obeyed accordingly, for upon faile thereof, first an *Alias*, then a *Pluries*, (*vel causam nobis significes.*) And lastly an Attachment shall goe out against them that should send it, as Master Fitz. noteth in his *Nat. Br. fol. 245.* but they use at this day to impose a fine upon *Affidavit* made of the delivery of the writ and refusall to certifie.

4. And albeit the *Certiorari* be a *Supersedeas* of it selfe, yet may the partie upon the *Certiorari* purchased have a *Supersedeas* also, directed to the Sheriffe, commanding him that he arrest him not upon that Record before the Iustices of peace. *Fitzh. ibid. fol. 237.*

5. This writ of *Certiorari* is usually directed to the Iustices of peace, and yet (as you have heard) the *Custos Rotulorum* only hath the keeping of these Records, but the ancient Commissions of the peace had no *Custos Rotulorum* specially named in them, and then this certifying belonged to them all, but now it belongeth to the *Custos Rotulorum*.

6. Now, if a *Certiorari* come to the Iustices of peace to remove an Endictment, and the party sueth not to have it removed, but suf-

fereth it to lye still, then the Iustices of peace may proceede, notwithstanding the writ, as *Hubbert* the Kings Atturney said in *6.H.7.16.* For otherwise the tryall of a Felon (if the Endictment were of Felony) might be delayed and deluded also. But yet *Keble* held opinion against him, and was fearefull that in such a case it might prove felony to make execution of the felon after such writ received: and (to say the truth) the Iustices ought of office to send it away, because the writ contayneth in it selfe a commandement to them so to doe.

7. And if a *Certiorari* come to the Iustices of peace to remove an Endictment, and in truth the Endictment was not taken till after the date of that *Certiorari*: yet if the Endictment be removed thereby, it is good enough, for that they both be the Kings Courts, *1.R.3.4.* and in such case it is now usuall to remove it.

The manner of
the certificate.

8. In the making of a Certificate upon this *Certiorari*, the Iustices of the peace ought neither to omit that which doth authorize them, nor to exceed that authoritie which belongeth unto them: For on the one side, if they certifie an Endictment of Felonie, or of a Riot (as taken *coram Iusticiarijs ad pacem*) it was not thought enough, without saying further, *Nec non ad diversa felonias, &c.* and otherwise it was doubtfull whether the Endictee shall be quite dismissed or no, because the Iustices of the peace had then no Record at all remaining with them (for the Clerke of the peace maketh his Entrie accordingly) and that Record which they sent up is insufficient. And therefore the Clerke of the Crowne was forbidden to receive any such Certificate, *12.H.7.25.*

9. On the other side, if they certifie an Endictment of felony not determined, into the Kings Bench, they ought not (without warrant) to certifie another Record of the acquittall of that Endictee for the same matter: for nothing ought by them to be sent thither without warrant, but that which is Executorie, and needeth the help of that higher Court. *8.Ed.4.18.*

10. And if a *Certiorari* be to send up the Endictment of A. in which Endictment some others be indicted together with the same A. yet need not the Iustices of the peace to make certificate concerning any but A. *6.Ed.4.5.* For although they be named joyntly, yet be they indicted severally, and the King may pardon A. without forgiving the other, *6.E.4.5. Mark.*

11. Again if the Endictment be of the stealing of two horses, and the *Certiorari* speaketh but of one horse: it seemeth that they neede not to certifie it at all, because of the variance: for it is certaine that they of the Kings Bench will not arraigne the Endictee upon it: but will rather write againe to know, whether there be any Indictment that agreeth with the writ, *3.Lib.Ass.pl.3.Cur.*

12. Finally, it is noted (in *8.H.5.fo.5.*) that *Haukeford* the chiefe Iustice of the Kings Bench observed this order, that hee which brought thither an Indictment (taken before Iustices of the Peace) should

should endore his name upon the backside of it : which I note, not to teach them of the Kings Bench, but to let the Iustices of peace see, that there is some heed to be taken of him by whom they send up their Endictments.

Of the sundry sorts of Processe upon Endictments : and of the Superfedeas for stay of them. CHAP. 10.

1. **T**He Court being thus made privie and possessed of causes must of dutie proceed to the handling (or hearing) and tryall of them : the which, because it cannot indifferently doe, unlesse it keepe one Eare for the offendor, that he also may be heard in his owne discharge, as others were heard to lay the charge upon him : the manner is (if he be absent) to award processe against him, to come in, and to make his answer.

2. But if he be present in Court, and confesse the Indictment, then needeth there no Processe at all : for he shall be committed forthwith to prison, untill that he hath made his Fyne, or given sureties for it. *1.H.7.*

*Lamb.li.4.
pag.519.*

3. Commonly an Indictment or Information (being but an accusation or declaration against a man) is of none other force, but only to put him to answer unto it. And hereof all Processe hath the name, because it proceedeth (or goeth out) upon former matter, either originall or judiciall.

*Processe where
in it is named.*

4. The authority of making Processe upon indictments is given by expresse words in the Commission : and in other cases (where it is not namely given) it is implied of congruence (or rather of necessity) in the words (heare and determine) which cannot bee performed, unlesse the party either doe come in *gratis*, or be brought in by the power of Processe.

*Authority to
make out
processe*

5. This Processe ought alwayes to be in the name of the King, thus, *Iacobus Dei gratia, &c. vicecomiti Dublin, &c.* And therefore also (seeing he is partie) it must say *non omittas propter aliquam libertatem, quin, &c. Fitz. Prerog. 21.*

*Lamb.li.4.
pag.420.*

6. And the *Teste* thereof may bee under the names of some two Iustices, so that it may be made sitting the Court in the Sessions, *Brooke tit. Peace 6. and 7.*

*Teste of the
processe.*

7. But now whereas the Commission giveth to the present Iustices authority to make Processe upon Indictments, taken aswell before former Iustices as before themselves : all that doing was wont to be discontinued in law, by the comming out of a new Commission of the Peace, untill that the statute *11.H.6.ca.6.* did establish, that no pleas, suits, or processe (to be taken before Iustices of the peace) should be discontinued by a new Commission of the peace to bee made : but that they should stand in their strength, and that the Iustices

*New Commissions of peace
doe not discontinue the
old processe*

Iustices

ſtices (aſſigned in the ſame new Commiſſion) ſhould have power to continue the ſame, and to heare and determine all that which dependeth upon them. And of the like effect there is a branch in the later end of the ſtatute of 10. Carol. ca. 14. in Ireland.

Indiſtments
before Sheriffs.

8. Furthermore, whereas Sheriſſes (and their Bailiſſes) uſed to arreſt men, and to proceed upon Indiſtments found in their Turnes or Law-dayes: another ſtatute (made 1. Ed. 4. cap. 2.) taketh that power out of their hands, and delivereth it over to the Juſtices of the peace: appointing them to proceed upon them, as if they had beene found before themſelves.

Proceſſe of
utlary.

9. Now ſeeing that this Proceſſe of the Sessions is ſent out to this end, that either the party ſhall come in, to anſwere and to bee juſtified by the Law, or elſe that he ſhall (for his contumacy) bee deprived of the benefit of law, (for ſo much in effect doe the words of the Commiſſion, *Quouſque capiantur, reddant ſe, aut utlagentur*, import in them.) it followeth that in all caſes of Indiſtments (if the party be returned inſufficient) the proceſſe of Outlawrie, lieth againſt the offendour, if he be not taken before, or doe not otherwiſe offer and yeeld himſelfe. And then the power of theſe Juſtices endeth with the Outlawrie: for they can make no *Capias utlagatum*, but muſt certiſie the Outlawrie into the Kings Bench.

Lamb. li. 4.
pag. 422.

10. A good while after that Commiſſions of the peace were firſt awarded, there was not given by them any power to make out any Proceſſe of Outlawrie: for by a Commiſſion of the peace (in 20. E. 3. Parl. 1. Patent. in dorſo.) wherein were words authoriſing the Commiſſioners to arreſt all ſuch as ſhould be endicted before them: but by and by this followeth there, *Et ad nomina eorum qui fugerint & coram vobis juſticiari noluerint, certiſicandum in Cancellaria, &c.* So that if they might not get them arreſted, they could goe no further, but to certiſie their names only.

The generall
proceſſe upon
Indiſtments of
Trefpaſſes.

11. Now the meane to this Outlawrie is not all one in all caſes: for, upon Indiſtments of Trefpaſſes againſt the P. or ſuch other contempts the Proceſſe is one; and upon Indiſtments of Treason (or felony) it is another.

12. Upon Indiſtments of Trefpaſſe againſt the peace, of Conſpiracies, and of Routs, in preſence of the Juſtices, or in Affray of the people, if the offendors may not be found, nor brought in by Attachment or diſtreſſe (by reaſon of their inſufficiencie) the proceſſe of Outlawrie is to be awarded by the ſtatutes, 18. Ed. 3. Stat. 1. & Stat. 2. cap. 5. The like is againſt ſuch as bee indicted upon the ſtatute of Liveries. 8. H. 7. cap. 4.

13. Upon the Indiſtment a *Venire facias* iſſue firſt, and then (if thereupon he be returned ſufficient) a *Diſtringas*, and upon the ſame proceſſe of *Diſtringas*, infinite till he come in: but if a *Nihil habet*, &c. be at the firſt returned againſt him, then a *Capias Alias* and *Pluries*, and after an *Exigent* (as it ſeemeth by M. Marrow.) and by the

the old precedents these are the ordinary processe upon all Endictments (not sounding in felony, or greater offences) whether they be of Trespasse against the peace, or of contempts against penall Lawes, unlesse it be otherwise specially provided by those same statutes whereupon such Endictments be altogether grounded. And of this sort these be.

14. The statutes of Labourers (23. H. 6. ca. 13.) gave (after the Endictments grounded thereupon) an attachment, *Capias*, and Exigent. Fitz. Na. Br. fol. 167. b.

15. But if the Endictment be in one County, and the Endictee be named to be (then or *nuper*) dwelling in any other County, there is a speciall course of processe in that behalfe for his benefit, appointed by the stat. 8. H. 6. ca. 10. both for Treason, Felony, and Trespasse.

16. For (before any Exigent shall be awarded) one *Capias* must be sent out and returned: and then a second *Capias* shall goe (into the County where he is supposed in the Endictment to be, or to have beene conversant) returneable before the same Iustices of the peace before whom the Endictment was taken three moneths at the least after the date thereof (for all Counties be now holden from moneth to moneth) by which last writ the Sheriffe shall be commanded to take the Endictee, if he may be found within his Bailiwick, and if not, then to make Proclamation in two Countyes (before the returne of that writ) that the Endictee shall appeare before the said Iustices of the said County (where the Endictment was taken) at the day contained in the last *Capias*, to answer to his offence, at which day if he come not, then the Exigent shall be awarded against him and otherwise not. Lamb. li. 46. pag. 525.

17. And by the equity of this statute of 8. H. 6. ca. 10. (saith Master *Marr.*) if the Endictee be imprisoned in another County, the Iustices of peace may award an *habeas corpus* to remove him before them. Lamb. li. 46. pag. 526.

18. But if it be mentioned in the Endictment that the Endictee is dwelling in another County, by the *Alias dictus* onely then it is out of the case of that statute. 8. H. 6. because the *Alias dictus* is not to be traversed. 1. Ed. 4. 1. Ibid.

19. But yet you must presuppose, that all this processe of outlary may be stayed by a *Superfedeas*. And Master *Fitz.* (in his *N. B. f. 137.*) hath the case, that if an Exigent goe out upon an Endictment of Trespasse (found before Iust. of the peace) the party may finde sureties in the Chancery (body for body) to appeare at the day of the writ, and may then also have a *Superfedeas* from thence to the Sheriffe, commanding him to forbear to take him, and to let him goe if he then have already taken him for that cause. And againe you may see in the new booke of Entries (fol. 546.) the processe upon such an Endictment stayed by a *Superfedeas* issuing from one Iustice of the peace alone, and testifying that the party came before him, and found surety *de syne assidendo*. But as I beleve the former, so will I not perswade the practice of the latter: because I thinke it not in the lawfull Superfedeas to stay processe

lawfull power of any one Juſtice of the peace to award any ſuch warrant, but that it muſt be done by two Juſtices at the leaſt (the one being of the *Quorum* alſo) as the Comiſſion now ſtandeth.

Proceſſe upon
Indictments of
Treaſons and
felonies, &c.

20. I have yet to ſpeake of proceſſe upon Endictments of Felonies, wherein I will bee ſhort, that I may paſſe over to other things.

21. It ſeemeth by Maſter *Marr.* that the proceſſe at the common Law upon Endictments of felony, was but one *Capias*, and then the *Exigent*: For ſo it was upon an Endictment of death, *Lib. Aff. 22. pl. 81. & Stamf. 67.* But the old preſidents (grounding themſelves upon the ſtatute. *25. Ed. 3. ca. 14.*) doe uſe the mention of two writs of *Capias* before the *Exigent*. For that ſtatute provideth that after returne of *non eſt inventus*, upon the firſt *Capias*, another *Capias* ſhall be incontinently awarded, where by the Sheriffe ſhall be commanded to ſeiſe the Cattels of the Endictee, and ſafely to keepe them till the day of the *Capias* returned, and if he then alſo returne *non eſt inventus* and the Endictee commeth not in, the *Exigent* ſhall be awarded, and the cattell ſhalbe forfeited: but if he come and yeeld him to be taken, before the returne of the ſecond *Capias*, then the goods and Chattels ſhall be ſaved unto him.

Proceſſe into
forrein ſhires.

22. And here alſo the Juſt. of P. have power to ſend into a forrein County, for, whereas by the common Law, no man could be attached upon an Endictment, or utlary of felony, but only in the County wherein he was endicted or outlawed, whereby many evill men were much encouraged, the ſtatute. *5. Ed. 3. ca. 11.* did take order that Juſt. (aſſigned to heare and determine felonies) might direct their writs to any County in England, to take ſuch Endictees whitherſoever they were removed.

23. On the other ſide if the Endictment be found in one County and the Endictee is therein named to be then dwelling in another County: I have told you already (in this chapter) what proceſſe belongeth to it, and therefore I will proceed to Proceſſe upon informations.

Proceſſe upon
Informations.

24. The power of proceeding and making proceſſe upon Informations proceedeth from ſpeciall ſtatutes, and may not therefore vary from their direction, although they themſelves doe vary greatly one from another.

Liveries.

25. For upon an Information given for the King before Juſtices of the peace, upon the ſtatute of Liveries (made *8. Ed. 4. ca. 2.*) they ſhall award ſuch proceſſe as is made upon an Originall writ of Treſpaſſe done againſt the Kings peace, becauſe the Information it ſelfe is (by force of that ſtatute) in ſtead of an originall writ, and likewise upon all other Informations the proceſſe muſt be as the ſtatutes whereupon they are grounded doe direct.

of

Of hearing upon Confession. CHAP. II.

1. **T**He party being thus brought in, (or otherwise yeelding himselfe) to answer, Iustice requireth that he be heard to speake, for himselfe, and therefore he may (as his case will serve) either confesse or deny the offence wherewith he is burdened.

2. And this confession is of two sorts, free, or forced, and that former is of two kinds also, absolute, or after a manner.

3. In the free and open (or absolute) Confession he taketh the fault upon him, and yeeldeth himselfe simply to such paine as the Court will inflict for it. Free Confessi-

4. And this free confession is of great force in the Law: for if it be upon an Endictment of Battery, and (after such confession had for the King) the party beaten will also bring his action of Trespasse for his owne damage, then shall the defendant be concluded by his former confession upon the Endictment, so that he shall not be received to say the contrary. *9.H.4.8. & 11.H.4.65.*

5. But the other (which I call confession after a manner) is one-ly a not denying, in which the party doth cunningly, and (after a sort) take the fault upon him, without plainly confessing himselfe guilty thereof: as where he putteth himselfe *in gratiam Regis, & petit admitti per finem*, without any more, sometime (by protestation that he is not guilty) pleadeth his pardon, and such a confession (if I may so call it) doth not so conclude him, but that he may afterward plead not guilty in any action brought against him. *9.H.6.66. Cur. & 11.H.4.65.*

6. But here it is good to learne, whether the Iustices be compellable to admit such a confession by a manner, being altogether devised in favour of offenders, and for deceiving of the King, or whether they may drive the party either to an absolute confession (for increase of the Fyne) or to his Traverse, that (failing therein) he may be imprisoned, and fyned also.

7. The forced confession whereof I spake, is that which the Iustices doe draw out of the party by the examination of himselfe, in such cases wherein that examination is permitted.

Of hearing by Discretion. CHAP. I 2.

1. **V**Whether the offender shall freely confesse the fault, or finally yeeld himselfe to Grace, or plead his pardon without confessing it, yet then is this matter fully heard, and the Court made ready to determine of it, but if he shall deny the fact, then must some other course of hearing (or tryall) be taken for it. Denyall of this
offence tryed.
Lamb. li. 4.
pag. 531.

2. And that is in some cases by discretion of the Iustices: in some
Fff other

Ibid.

other cases by examination of the parties, or witnesses: and in some other cases by certificate of other men, but in most cases by Traverse or arraignment, both which last tryals are performed by the verdict of xij. men.

Lamb. li. 4.
pag. 532.

3. For Iustices of the peace cannot (upon an Endictment of mayhem) make the tryall by their owne view or inspection, as the Iustices of the Kings Bench may doe, saith *Marr*.

Ibid.

4. The tryall of offences ought for the most part to proceed either after the generall order of the common Law, or upon such speciall examination (or other prooffe) as some statutes doe give in speciall cases, and this hearing at liberty and discretion, hath seldome any place.

Lamb. li. 4.
pag. 533.

5. But wheresoever it is permitted; that counsell which Master *Braet. li. 1.* giveth, is to be harkened unto: In judiciall hearing (saith he) besides the body of the fact it selfe, these seven circumstances are to be weighed, namely the cause, the person, the time, the place, the quantity, the quality, and the event.

Ibid.

6. And for prooffe, that hearing by discretion, is yet in some sort suffered, take this for example.

Ibid.

7. The Iustices of peace may heare by their discretion, as well by examination as otherwise, at the suit of the King or of the party, the offences done against the statute provided for the true making of tyle.

17. Ed. 4. ca. 4.

Ibid.

8. But how farre this discretion, and the word otherwise may be extended, in this and such like cases it cannot well be foretold, for it is referred unto them, and they must take counsell, *ex re & ex tempore*, for it.

Of hearing (or Tryall) upon Examination. CHAP. 13.

1. **T**He obstinacy of evill doers, that would shew no conscience in acknowledging of their faults, and the corruption of Iurors that would present nothing that lay onely in their owne knowledges, have begotten and brought into our Law, this tryall by examination wherewith it was not before acquainted.

2. And yet, this manner of tryall is not loosely permitted to Iustices of the peace; but in cases only, where either the statutes doe generally referre the tryall to their discretions, or else doe specially authorise them to take the Examinations.

3. The examination then is sometimes of the offenders themselves, sometimes of witnesses that can speake to the matter, and sometimes both of the parties and witnesses: of every of which I will give you an authority, or twaine, and leave the rest to your owne reading and examination.

4. Upon apparance (after proesse) against the offenders of the statutes

statutes of Liveries, the Iustices of peace may examine them, and thereupon convince them, so as if they were thereof convicted by enquest. 8.H.6.ca.4. & 8.Ed.4.ca.2.

5. And because it is often seene, that those which have committed an offence, will also increase their fault by denying the same, therefore some statutes doe appoint that the Iust. of the P. shall take the examination of others, besides the offenders themselves. Examination
of others.

6. Now whereas also some statutes doe enable the Iustices of peace to heare and determine, by the generall word Examination, without shewing what persons they shall examine: It seemeth to me that they may thereupon examine, as well the parties, as other witnesses.

7. Thus farre of examinations, which whether they ought to be taken upon oath or no, where the oath is not namely given you may easily Iudge by that which I have already said thereof in the first booke, and yet (for your further resolution) I say now, that these examinations of witnesses ought alwayes to be taken upon oath, the rather because the tryall hereof dependeth upon them.

Of hearing (or Tryall) by Traverse. CHAP. 14.

1. **T**He most solemne and ancient tryall of the fact against an offender that will not confesse it, is that which we see performed by the verdict of 12. good and lawfull men of the Countrey, and it doth also best content and quiet the guilty man, for that it passeth by his owne Countrymen, Neighbours and Peeres, according to the ancient libertie of the land, whereunto every Freeborne man thinketh himselfe inheritable.

2. And thereupon it is named in *Mag. Chart. cap. 29. Legale iudicium parium suorum*, the lawfull judgement of a mans owne Peeres, or Equals, because as the nobility, so also the Commonalty are to be tryed, in treason, felony or misprision of treason, not the one by the other, but each by men of their owne estate and calling: I meane by the word Nobilitie, as our owne law speaketh (which calleth none Noble under the degree of a Baron) and not as men of forraine Countries doe use to speake, with whom every man of gentle birth is accounted noble: For wee daily see, that both Gentlemen and Knights doe serve in the Parliament as members of the Commonaltie.

3. Howbeit in cases of forceible Entrie, ryot, rout, unlawfull assembly, or such like, they of the Nobility shall be tryed by xij. men even as other inferiour subjects, 3. & 4. P. & M. reported by *Dallison*. Lamb. li. 4.
f. 539.

4. This Tryall happeneth before Iustices of the peace, sometimes upon Traverse, and sometimes upon Arraignment.

4. But yet, some things be common to them both: for, if the partie charged, will demurre in law upon the Evidence, the Iustices ought to record his demurrer: so if he will plead (in justification) any matter of Record that is before other Iustices, they ought to give him day to bring it in, *Marr.* So also, if the Iustices (thinking an Endictment to be void) have discharged the prisoner, paying his Fees, yet upon change of their opinion they may stay him againe, at any time before Iudgement. *Fitzh. Endict. 27.*

5. But if he plead a pardon before them, in which certaine persons be excepted, and the Kings Atturney is not present to joyne issue, that he which pleadeth it, is one of those that be excepted, then they themselves may supply the office of the Atturney, in that behalfe, *8.E.4.7.*

The Kings
advantage.

6. Whereupon also I gather this generall learning, that they ought not to suffer the King to be disadvantaged, where it lyeth lawfully in their power to prevent it.

7. And if an Endictment bee challenged, for such cause as these Iust. will not allow, then may they seale a Bill of that exception for the party if he will write and require it according to the statute. *W.2. ca. 30.* as *M. Marr.* writeth.

8. The Traverse tooke the name of the French *de Traverses*, which is none other then *de transverso* in Latine, signifying on the other side: because as the Endictment on the one side chargeth the partie, so he on the other side commeth in to discharge himselfe: For whereas the arraignment proceedeth upon him that is unwillingly brought in by Proesse, the Traverse is (for the most part) freely tendred by the party himselfe.

Traverse.

9. To Traverse an Indictment then is to take issue upon the chiefe matter thereof, which is none other to say, then to make contradiction or to deny the point of the Indictment. As in a presentment against A. for a high way overflowne with water for default of scowring a ditch, which he and they (whose estate hee hath in certaine land there) have used to scowre or clense: A. may traverse either the matter (*viz.* that there is no high-way there) or that the ditch is sufficiently scowred: or otherwise he may traverse the cause, *viz.* that he hath not that land, &c. or that he and they (whose estate, &c. have not used to scowre the ditch. *5.H.7.3.*

10. And this libertie of Traverse is commonly restrayned to an Endictment of Trespases, contempts, Riots, &c. and other inferiour offences within the Commission or statutes, authorising the Iustices of peace, and is not usually extended to Treasons, or felonies, as you shall hereafter see.

11. And there is no doubt, but that as Iustices of the peace have power to award Proesse, the parties also have libertie to speake for themselves: and (having spoken) the Iustices may heare and determine of their speech, whether it touch them in Freehold or otherwise.

12. For

12. For although it be holden (2. R. 3. 11. 19. H. 8. 11. & Fitz. tit. Aff. 442. and in other bookes) that a man shall not be received to traverse a presentment, unlesse it doe charge him in his Freehold: yet *Hussey* and *Fairefax* said (in 5. H. 7. 4.) that a presentment (not concerning freehold) which is found before Iustices of the peace may be traversed: For if processe be awarded, the partie may come in, and offer his Traverse, or otherwise the processe should bee in vaine.

13. Hereunto agreeth *Moubray* (41. Ed. 3. 26.) saying further, that in a Leet such a presentment is not traversable, because out of a Leet no processe can be awarded upon it. And this peradventure is the reason of the booke (8. Ed. 4. 5. and of *M. Marrow.*) where they say, that a presentment of bloodshed found in the Sheriffes Turne, and sent (as it ought to be) to the Iustices of the peace, cannot be traversed before them; as whereupon they can neither make proces, nor discharge the party by way of plea.

14. So that this seemeth to be a generall learning that wheresoever any processe *ad respondendum* goeth out by force of such an Indictment as is traversable, there also the party may offer, and ought to have his Traverse against it.

15. But *Marr.* saith, that if a man be of an Enquest that indicted him of Trespasse, or such like (so that upon the matter, hee indicted himselfe) this is so strong, that hee shall never bee received to traverse it.

16. It is not my meaning to pester this booke with Presidents: But yet forasmuch as in the record of one Traverse, there is at once discovered the Stile of the Sessions, the Indictment, the processe to answer, the Traverse it selfe, the verdict and Iudgement thereupon, the processe of execution, the yeelding of the parties, and the assessment of their Fynes, so that it alone may serve in stead of all: I trust it shall not be troublesome to insert it, and it is as followeth:

Alias scilicet ad sessionem pacis, tentam apud Kilmainham in Comitatu predict. die Martis proxime ante festum sancti Mathaei Apostoli, Anno Regni Domini nostri Caroli Dei gratia Anglia, Scotia, Francia & Hibernia Rex fidei defensor, &c. decimo tertio coram R. B. & S. M. & alijs socijs suis Iusticiarijs dicti domini regis ad pacem in comitatu predicto conservandam. Nec non ad diversa felonias, transgressiones, & alia malefacta in eodem Comitatu perpetrata, audiend. & terminand. assignatis, per sacramentum xij. Iuratorum extitit presentatum, quod I. L. de &c. R. M. de &c. & T. L. de &c. cum diversis alijs ignotis malefactoribus & pacis dicti Domini regis perturbatoribus, modo guerino arraiati, uniti & assembleti, xx. die Iulij in nocte ejusdem diei, anno, &c. vi & armis (videlicet) baculis, gladijs, clipeis, pugionibus, falcastris & alijs armis, tam invasivis, quam defensivis, apud C. &c. clausum cujusdam W. Willet, (vocatam B.) illicite, riosè & reutosè fregerunt, & intraverunt, & octo palustra sani,

Co. Dublin
Stile of the
Sessions.

ad valentiam, &c. ad tunc & ibidem existentia, de bonis & catallis dicti. W. Willet, ad tunc & ibidem injuste et illicite ceperunt et asportaverunt, contra pacem dicti Domini Regis, &c. & contra formam statuti inde edit. & provis. Per quod praeceptum fuit vicecomiti, quod non omitteret, &c. quin venire faceret eos ad respondendum, &c. posteaque, sci. præd. die Martis proxime antefestum S. Mathæi Apostoli, anno 20. supradicto coram præfat. Iustic. venerunt prædicti I. L. R. M. & T. L. in proprijs personis suis et habito auditu indictamenti prædicti seperatim dicunt, quod ipsi non sunt inde culpabiles. Et de hoc ponunt se super patriam: Et Adam Martin qui pro Domino Rege in hac parte sequitur similiter, &c. Ideo veniat inde Iurata coram Iustic. dicti dom. Regis ad pacem in Comitatu prædicto conservandam assignatis, &c. ad sessionem pacis apud K. &c. die Martis proxime post Epiphaniam domini tunc proxime futuro tenendam. Et qui, &c. ad recog. &c. Quia tam, &c. Idem dies datus est tam præf. Adam Martin, qui sequitur, &c. quam præf. I. L. R. M. & T. L. &c. Ad quas quidem sessiones pacis tentas apud K. præd. in comitatu præd. die, &c. Coram Dom. R. B. S. M. et G. L. Milit. et socijs suis Iusticiarijs dicti Domini Regis ad pacem in comitatu præd. conservandam, Nec non ad diversa felonias, transgressiones, et alia malefacta in eodem comitatu perpetrata, audienda et terminanda assignatis, venerunt tam præfatus A. M. qui sequitur, &c. quam præfati I. L. R. M. & T. L. in proprijs personis suis, Et Iuratores præd. per vicecomitem Comitatus præd. ad hoc impanellati, & exacti (viz.) I. F. gen. I. G. &c. similiter venerunt, qui ad veritatem de premijs dicendam triati & jurati, dicunt super sacramentum suum quod præd. I. L. R. M. & T. L. culpabiles sunt, & eorum quilibet culpabilis est de transgressionibus, contemptu, & riotto præd. in indictamento præd. superius specificatus modo & forma prout superius versus eos supponitur. Ideo concessum est per Curiam quod præd. I. L. R. M. & T. L. capiantur ad satisfaciendum dicto domino regi de finibus suis, occasione transgressionis, contemptus & riotti præd. Qui quidem I. L. R. M. & T. L. ad tunc & ibidem presentes in Curia petierunt se ad finem cum dicto domino rege occasione præd. admitti. Et inde ponunt se seperatim in misericordiam D. R. Et assessatur finis ejusdem I. L. per Iustic. præd. ad 3. l. 6. s. 8. d. Et finis ejusdem R. M. assessatur ad 20. s. Et assessatur finis ejusdem T. L. ad 5. l. bonæ et legalis moneta Angliæ ad opus et usum dicti domini Regis.

Of Triall of felonies upon arraignment, and what Pleas, or other helps may be used therein by the prisoners.

CHAP. 15.

Difference between Traverse and arraignment. Lamb. li. 4. pag. 546.

1. **A**rraignment and Traverse doe not so much differ in the nature (or substance) of the Tryall it selfe, as in the order or usage of the same. For as there is no Endictment traverseable by the partie, but that he may also be arraigned upon it: so likewise is there no Endictment whereupon the partie may bee arraigned, but that hee may

may also (if he will) tender his Traverse unto it.

2. The difference then standeth in this, that commonly he (which is to be arraigned) cometh in by compulsion of bond, or processe, and is touched with matter concerning life and death, or some such haynous offence, and pleadeth generally not guilty to the Endictment. Lamb. li. 4. pag. 547.

3. Commonly I say, because although he come in freely, and be indicted of some inferiour offence, yet he may be neverthelesse arraigned: neither is he of necessity driven to plead not guilty (which runneth to the fact) but may (if the case will suffer) plead a justification, or matter in Law, though it be in case of felony. Ibid.

4. It seemeth to have borrowed the name out of the word Array, either of the panell, or Jury: because he that is arraigned must be tryed by them being first called, arrayed, sworne, and tryed, in order for that service, or else of the array of the prisoners, that be perused and arrayed in order before they come to tryall. Ibid.

5. If I should here rip up, and prosecute at full (as the place offreth me occasion) the whole learning that belongeth the arraignment and tryall of Felons, aswell for the taking of Challenge, and pleading of justification, matter in Law, pardon, another time acquite, and another time attaint: as also for the having of Sanctuary, and saving by Clergy; I should but *actum agere*, and yet not doe it halfe so well as you may finde it in Master Stamford, besides the which I should endeavor to teach them, of whom I my selfe may better learne, seeing that for the most part the use of these matters is either reserved till the coming of the grave Iustices of Gaole delivery or else is performed by other men of Law that can informe themselves sufficiently therein. Yet considering that these things doe many times fall in use in the County of Dublin, and that it were unseemely for Iustices of the peace to be altogether ignorant therein, I will shortly run over them, but first let me offer to your consideration a point or twaine, whereof it peculiarly behoveth our Iustices to be advertised.

6. The first thing is, that there be sundry felonies, and some Endictments of felonies also the which (as it seemeth to me) Iustices of the peace cannot here, or try at all, the second is that in the handling of those very felonies wherewith they may deale, there be yet certaine considerations peculiar to the Iustices of the peace only, and not common to them with other Iudges. Felonies not tryable before Iust. of the Pe

7. Of that first is the felony for forgery, by the statute made in the xxviii. yeare of the Raigne of the late Queene Elizabeth ca. 4. in Ireland after conviction for a former offence. 28. El. ca. 4. in Ireland.

8. Neither doth the hearing and tryall of that felony of a servant (taking the goods of his Master after his death) belong (as I have said) to the Iustices of peace in the Countrey: because they cannot take notice of his default in the Kings Bench by which default it first beginneth to be felony. 33. H. 6. ca. 1. Lamb. li. 4. pag. 548.

9. The

Lamb. li. 4.
pag. 549.

9. The like, though for unlike reason, is to be said, of the felonies in embezzelling of any the Records of the Courts at Dublin against the statute. 8. H. 6. ca. 12. And of an accessory in one County, where the felony was done in another County, upon the statute of 10. Caroli ca. 19. in Ireland, because the hearing and determining these felonies is not committed to the Iustices of peace, but remitted to other Iudges by the very same statutes, neverthelesse Iustices of peace by the words of that statute may inquire and proceed to take that Endictment.

Ibid.

10. Furthermore, they cannot make tryall of such as were indicted of felony before the Coroners, or before the Iustices of gaole delivery, or of Oyer and Terminer, if the same persons were not Iust. of P. also in the same shire, so as the indictment may be understood to be taken by them, as before Iustices of the peace: for their Commission and authority extendeth only to such as stand endicted before themselves or before former Iustices of the peace, or the Sheriffe in his Turne.

Things peculiar to Iu. of the peace in the tryall of felonies.

11. Thus farre of the first point, touching the second, it seemeth by *Marr. and Fitz. fol. 16.* that albeit two Iustices of the peace (the one of them being of the *Quorum*) may in the County of Dublin heare and try felonies, yet no Iustices of the peace have authority to deliver felons by Proclamation, without sufficient acquittall nor yet to deliver such as be in prison for suspition of felony, unlesse there be in the Commission a speciall clause, *ad gaolam deliberand. &c.* as it is in the Commission for the County of Dublin.

12. For they must proceed by inquiring, hearing, and determining, as their Commission appointeth them, and not rid the gaole otherwise, as the Iustices of Gaole delivery may doe; And therefore such persons (if they cannot be indicted) must either remaine the coming of the Iustices of Gaole delivery, or else (being removed into the Kings Bench) they are either to be delivered thence upon the writ *de gestu et fama*, as the old order was, or by such other meanes, as they at this day doe use therein.

13. These Iustices of peace can take no Appeale of any approver, nor other, before them. 2. H. 4. 19. and so it is cleerely holden. 9. H. 4. 1. because their Commission stretcheth not so farre, but onely to such felonies, as fall out by enquiry before themselves, or their former fellow Iustices, howsoever, the booke in 44. Ed. 3. 44. upon the statute. 5. Ed. 3. ca. 11. or the statute (8. H. 6. ca. 10.) may seeme (to a running Reader) to allow that power unto them, and therefore Master *Stamford fol. 93.* doubteth of it.

14. But howsoever that be, yet seemeth it to me no lesse reasonable then serviceable; that if one felon will accuse another before Iust. of the peace, they may take his confession and reprove him and thereupon cause the other to be inquired of, and so proceed against him by way of Indictment.

15. Fur-

15. Furthermore they cannot arraigne a man upon his abjuration, faith *Marr.*

16. It hath also beene thought unmeet, that they should try a felon the same day, in which they awarded the *venire facias*, against the Iury. 22. Ed. 4. 44. Fitz. Coron. tit. 44. but that hath no necessity, and the Law is now otherwise taken.

17. *Marr.* faith that they cannot award the writ of *venire facias tot matrones*, to try whether a woman (arraigned before them) be with child or no, but seeing it standeth with Law, and reason to stay her for the time (that the child may be preserved) It must of necessity follow that this opinion of *Marron* is against the Law.

18. They may give Clergy to a felon if the Ordinary (or his Deputy) be present to take him: but if they be absent, he must be reprimed, because as *Mar.* faith, these Iustices can set no Fyne upon the ordinary for his absence: no more then if he will accept one to read as a Clerke, where in truth he cannot read at all, but if you looke upon Master *Stamford lib. 2. ca. 25.* he will perswade you, that the Ordinary is not the Iudge but a Minister in the tryall of Clergy: and that Clergy may lawfully be given and allowed in his absence.

19. Of the Fyne, for his default at these Sessions, I am a litle doubtfull, as I have said before, but touching the allowance of Clergy to the offender, I see no cause at all why it may not belong to the Iust. of peace, as well as to other Iudges: seeing that they be Iudges of the felony, as other Iust. are.

Lamb. lib. 40
pag. 552.

20. *Mar.* faith also, that if Bigamy had been alledged against one that prayed his Clergy, the Iust. of P. could not have written to the Ordinary to certifie the same, but this opinion seemeth to be no Law, for where Iustices have power to heare and determine, of congruity they have power to doe all things necessary to bring the cause to an end.

21. And if a man (outlawed of felony by processe before the Iustices of peace) be brought before them, and doe alledge, that he was (at the time of the utlary pronounced) out of the Realme in the Kings service under such a Captaine: or that he was then imprisoned in another County, they can neither write to the Captaine, nor into the County, by the opinion of *Mar.*

22. Thus much only of things restraining the Iustices of peace in the tryall of Felonies, wherein they are not in Ireland at all occupied, saving onely in the County of Dublin, but the gaole delivery is wholly left to the Iustices of Assize.

23. These things thus premised, Let us now suppose all impediments to be removed, and set we the felon at the barre, ready to take whatsoever lawfull advantage of Challenge, plea, or other benefit, that may be allowed unto him.

24. It was ever permitted, that the prisoner might challenge so many of the Iury as he would (shewing lawfull cause for it) as namely

challenge

to say, that he (whom he challengeth) was one of the Iury which did indict him, for such a one it may be thought, he will not falsifie his former oath. 25. Ed. 3. cap. 3. or to say that he hath not lands of the cleere yearely value of xl.s. for such a one is disabled. 2. H. 5. ca. 3. or to say that hee is not *probus* or *legalis*, because he hath beene attainted of felony, forgery, perjury, or of such like as are shewed before.

11. Caroli ca. 9.
in Ireland.

25. The common Law hath also (in favour of life) allowed unto the prisoner his peremptory challenge, without shewing any cause at all for it. But yet forasmuch as it was long time doubtfull how many he might challenge, the same is now put into certaintie (by the statute. 11. Caroli ca. 9.) and restrained to the number of xx. persons at the most.

26. Now if the tryall be of an Alien borne (for felony or murder committed by him) the Iury shall be *de medietate lingua*, that is, halfe of our Nation, and halfe of strangers, except it be in the case of a Scot, whose Iury shall be altogether English, as well because he speaketh one language, as also for that he is reputed a subject and not an Alien, *Collection Dyer* 304. & 357.

27. Thus shortly of challenge which is but dilatory, and to win time: and therefore let us now heare what he may plead in chiefe as it were, and for the safety of his life.

Another time
acquitt.

28. And if the prisoner have beene at any time before lawfully acquitted of the selfe same felony, or have beene orderly attainted of any other Felony, he may safely rest upon it, for as it is unreasonable, to draw a mans life into double danger for one single offence: So is it also unprofitable, to condemne him that is already attainted, *Coron. Fitz.* 132. & 28. Ed. 3. 90. And for the prooffe of either of these his allegations, the Iustices ought to allow unto him convenient time for the bringing in of the Record of the Court where he was so acquitted, or attainted, *Coron. Fitz.* 232.

29. But because each of these two points hath his severall consideration in that which doth remaine, I also will henceforth handle them apart.

30. If the prisoner be now arraigned of a felony by the name of A. B (by which name, as also by the name of A. C. he is well enough knowne) then may he say that he was before time acquitted of the selfe same felony, before such or such Iustices, by the name of A. B. averring that he is the same person, and that he is knowne by the one and the other name. *Lib. Aff.* 26. pl. 15. & 11. H. 4. 93. So, if he be arraigned of the murder of a man (supposed by the Endictment to be slaine in the thirteenth yeare of Queene Elizabeths Raigne) he may plead, that he was acquitted of the murder of the same man, averring that he was slaine in some other yeare, *Lib. Aff.* 22. pl. 55. For as in the former case the same man may beare two names: so in the latter, one person cannot be twice killed.

31. But

31. But if the Felon were first acquitted upon an Endictment, which did not comprehend sufficient matter of felony in it, that will not helpe him now because his life was never put in jeopardy thereby; insomuch as if he had beene found guilty thereupon yet the Court would have delivered him, *Stamford 106.* howbeit if the Endictment had good matter in it selfe then may no error (committed in the proceffe) take the benefit of this plea from him, seeing that he was arraigned upon the Endictment, and not upon the proceffe. *9.H.4. & Coron. Fitz. 444.*

32. Againe, if he that stole goods were acquitted in a County where he ought not to have beene tryed for them, that is no lawfull acquittall to save him from tryall now, no more then if a man were acquitted of murder in an appeale at the suite of a yonger brother during the life of the elder: that is of no such force, but that he shall be arraigned at the suit of the K. againe, *Stamf. 105. & 106. & 1.H.6.31.*

33. Lastly, he that is acquitted as principall to a Felony, may nevertheless be arraigned as an Accessary (after the offence done) to the same felony, because it is not the same, but another subsequent, and divers offence, and yet shall he never be arraigned as an Accessarie (before the offence) to the same felony, because the Accessaries before the offence be the very causes of the fact and doe (as it were) inseparably concur with the principall, and be present with him in doing of the same. *Lib. Ass. 27. pl. 10. & Stamf. 105.*

34. Now on the other side, since nothing can be had of him that is already attainted, and hath thereby lost whatsoever he might forfeit, it hath alwaies been thought meet to allow him to plead it: and it is to no purpose to arraigne him of new, for that, or for any other felony, except it be in a speciall case or two, for the benefit of other persons which *M. Stamford* hath briefly noted for us.

Another time
attainted.

35. The first is for the advantage of the King: For if he that is attainted of felony hath also committed Treason, then may he be arraigned of the Treason, notwithstanding the former attainder, to the End that his Majestie may have his prerogative in the Escheat of all his lands of whatsoever other Lords they shall be holden. *1.H.6.5.* And yet if that Treason were committed after the attainder for the felony, then (in the opinion of *M. Stamf.*) the title of Escheat which by that attainder did accrew to the other Lords, cannot bee devested and taken from them by the subsequent treason.

36. The second is, for the commodity of subjects as in case where divers men be robbed of their goods by a felon, there, though he be attainted at the suite of one, yet ought hee also to be attainted at the suit of the rest, that each of them may thereby have restitution of his goods, whereof otherwise for want of suit he should be denied. *Stamf. 105.*

37. But now if he that was thus attainted, doe afterward obtaine pardon of that felony whereof he was attainted, then he is restored

to the law, and is made answerable to all other felonies that were committed by him before the time of that felonie, whereupon his attainer was grounded. *6.H.4.68.*

38. And if a man doe commit two fundry felonies, and (being arraigned upon the one) standeth mute at the barre, and hath therefore his judgement to be pressed, yet may he be arraigned upon the other felony, notwithstanding the former judgement: because it is none attainer at all for his offence wherewith he was charged, but onely a punishment inflicted by the Law upon his contumacie and stubborne silence, *Collect. Dyer 308.*

Another time
convict.

39. With this there was wont to be matched the plea, That the prisoner was another time convict of felonie, and delivered to the Ordinarie to make his purgation: which also was of equall force (with the former plea) to save him from new arraignment; But the law of our time hath worthily taken that plea from the offender, and the offender himselfe from the power of the Church.

11. Jacobi c. 3.
in Ireland.

Lamb. li. 4.
pag. 553.

40. For as the allowance of the booke proceeded from the pride of Churchmen: Even so were those convicts ridiculously purged by them. For which cause the statute of *11. Jacobi ca. 3.* hath ordained that after allowance of Clergie and burning in the hand, the prisoner shall be enlarged; and not delivered to the ordinary, so that now as I conceive he may be put to answer to all other Felonies whereof he is not before acquitted, convicted, attainted or pardoned, and therefore leaving it, let us see how the offender may be holpen by pleading and praying allowance of the Kings pardon.

Generall
pardon.

41. The pardon whereof the partie may have advantage, is either generall or speciall: by generall, I doe here meane that which is given by parliament to all men generally, or with the exception of some parties. And of this pardon the Court ought of dutie to give allowance, though the partie neither plead it, nor will accept the benefit of it. But if it make speciall exception of some persons then must the prisoner alledge that he is none of those that be excepted, unlesse the Act it selfe doe say, that he shall be holpen by it without any such pleading. *11. H. 4. 39. & Stamf. 103.*

42. Touching this sort of pardon I will only lay downe these few cases: the servant that had killed his master was indicted of voluntarie murder, without the word *proditorie*, and was thereupon arraigned and found guiltie. But because the offence was petie Treason indeed, and petie Treason was then pardoned by the Parliament (*5. El.*) though murder were therein excepted, Justice *Welsh* thought it meet to reprove the same prisoner without giving Iudgement upon him. *Coll. Dyer 235.*

43. A man stroke another in *February (13. El.)* whereof hee died in *June* next following, in which meane while all felonies, offences, injuries, and misdemeanors were pardoned by Parliament, and he was discharged by that pardon, because the stroke was the offence
against

against the Queene, and that was past and pardoned, though the death did afterward ensue upon it. *Com. 401.*

44. One that had committed manslaughter, was endicted of murder, and thereupon outlawed: afterward the Parliament pardoneth all offences, &c. except persons outlawed or attainted of murder: the partie reverseth the outlawrie, and then is arraigned of manslaughter: and it was much doubted whether he should be discharged by the pardon, because the persons outlawed were excepted, whereas if the offences onely had been excepted, it would have made no great question. *29. Eliz. Report. Crompton.*

45. The speciall pardon ought to be pleaded under the great seale, for that now in Ireland none hath authority to grant such pardons, but onely the King. Speciall pardon.

46. And with this pardon, the party ought to bring a writ of allowance, testifying that he hath found sureties for his good report, according to the statute. *10. Ed. 3. ca. 2.* Howbeit that matter is many times dispensed withall, by meanes of a *non obstante*, that may be put into the pardon, *Com. 502.* But let us yet see, what the pardon hath within it.

47. If the pardon doe agree with the Endictment, aswell in the name, surname, and addition of the party, as also in the point of the offence that is to be pardoned, then is there nothing to be said against it. But if the pardon be of all Felonies, that will not discharge him of petit Treason nor murder, at this day (except it containe them in speciall words) although before the statute. *13. R. 2. Stat. 2. ca. 1.* such a pardon was availeable enough for them.

48. Neither is such a pardon sufficient to save the life of him that is attainted of Felony, unlesse it have words to pardon the attainder, and execution. *9. Ed. 4. 29.* no more then a pardon of that attainder and execution, will deliver him without words to pardon the felony it selfe. *8. H. 4. 21.* So where the party is abjured for the death of a man, the pardon must of necessity carry words of abjuration, *Coron. Fitz. 124.*

49. And if the King doe pardon to a Gaoler the escape of prisoners being in his ward for felony or Treason, that shall extend to negligent escapes only, and to none other, *Grants Fitz. 37.* So if he pardon two men all felonies done by them, or any of them, that will not serve them apart, because the first words be joint and not severall, whereas all felonies be of themselves severall. *22. E. 4. 7.* For in all these, and the like cases howsoever the favour of life may desire liberall interpretation, yet (forasmuch as the offence is against Law) the grace and dispensation of the prince may not be strained beyond the word.

50. The last helps for the prisoner, be Sanctuary and Clergy, Sanctuary and Clergy. whereas his case will afford him the one or the other of them, for if he were taken out of Sanctuary, he ought to pray (at the first) to be restored:

restored: and if he can read, he may (at any time) desire of the Iudge the allowance of his booke.

51. How each of these began at the first and grew in time to bee full summed, or how they shronke againe, (by one and one:) I may not here stand to discoure, though it be a peece, worthy both the handling and hearing. But forasmuch as our statutes doe many times match these twaine together, I will likewise draw them forth, as I shall fall upon them, shewing you where the one or the other, or both be denied to the prisoner.

Once or more times.

52. Where Clergie lieth, it is grantable but once to one person, except he be within holy orders: for such a one may have it often.

4.H.7.c.13. & Stamf. 135.

Bigamie.

Dyer fo. 201.
Stamf. fo. 134.

53. *Bigamus* (that is to say, he which hath beene twice marryed, or which hath marryed a widdow) may not have his Clergie at this day in Ireland, for in old time before the statute of 1.E.6. ca. 12. it was a good counterplea against it in England, and that statute of 1.E.6. is not of force in Ireland.

Bastard.

54. It was wont to be doubted, whether a Bastard might have the benefit of Clergy: because he could not be a Priest without speciall dispensation, *Brooke Bastardie* 46. but at this day Bastardy is no good counterplea against Clergy.

Woman.

Lamb. li. 4.
pag. 63.

55. And it was agreed by all the Iustices (2. & 3. *Phil. & Mar.*) that a woman shall have none allowance of Clergy, but she may have (for once only) the benefit of her belly, if it be found by women thereto appointed that she is quick with child, *Report Dallison*.

Witches, &c.

56. Conjurors or witches shall not have the benefit of Clergy: 28.El.ca.3. in Ireland.

Rape.
Burglary.

57. He shall have no Clergy that committeth any felonious rape, ravishment, or burglary. 11.Iacobi ca. 3. in Ireland.

Buggery.

58. Nor he which committeth the detestable sin of buggery. 10.Caroli ca. 20. in Ireland.

Murder.

Poysoning.

Rob in high way.
Horse.
Church.
House.

59. There lieth no Clergie nor Sanctuarie for him which committeth wilfull murder, or poysoning of malice prepened; for these are high Treason in Ireland; or which robbeth another in or nigh the high-way; or which stealeth any horse or horses, gelding or geldings, Mare or Mares, or stealeth goods out of any Church or Chappell, or which robbeth any person in any part of his dwelling house, himselfe, his wife, children or servants then being in or neere the same. 11.Iacobi ca. 3. in Ireland.

Rob Booth or Tent.

60. He which robbeth any person in any Booth or Tent, in any Faire or Market, the owner, his wife, children, or any servant then being therein, either sleeping or awake is deprived of his Clergie. 11.Iacobi ca. 3. in Ireland.

Forgery.

61. Sanctuary and Clergie bee taken from him that secondly shall be convicted of the forging of false deeds, &c. 28.El.cap. 4. in Ireland.

62. In

62. In all other cases (so farre as I yet finde) the prisoner may enjoy the priviledge of Clergy: yea and in every of these statutes also that doe resume Clergy, if so be that the Endictment doe not expressely mention the offence in the very words of the statute it selfe the offendour may escape by his Clergy; for if the Endictment be that he robbed one in the high way, and tooke ten shillings from his person without shewing that he made assault upon him, or used violence unto him, or if it be of Burglary and doe lacke the word *Burglariter*: then as Master *Stamford* warily noteth, the offence is not against the statute, and consequently the benefit of Clergy is not taken away from the offendour, *Stamford 130. Collect. Dyer 183. & 124.*

A consideration touching Clergy.

63. The same Master *Stamford* (about the same place of his book) moveth a doubt in this matter of Clergy, when sundry of these statutes which take away Clergy (in case where the offendour is convicted by the verdict of twelve men) doe speake nothing at all of his attainder by utlary, or by Parliament, nor of his standing wilfully mute, nor of his challenging above twenty peremptorily; nor of his refusall to answer directly to the offence: It is to be considered (saith he) whether in these cases also the Clergy shall be denyed unto him: But since Master *Stamford*'s time these doubts are cleared by the statutes of *11. Jacobi* in Ireland, *cap. 3.* where the Clergy is taken away in all these cases, except utlagary upon an appeale, conviction by battaile in appeale and attainder by Parliament, which three cases are omitted in the said statute of *11. Jacobi*. I will now make an end of Tryall and in the next place proceed to Iudgement.

A scruple concerning Clergy.

Of Iudgement, and the severall sorts thereof. CHAP. 16.

1. I Have formerly divided the offences which are to be enquired of in the generall Sessions of the peace into five heads or parts that is to say Treasons, Felonies, Misprisions, *Premunires*, and finable offences. And now I shall proceed to declare the severall Iudgements that are to be given upon each of those offences in order as they are before mentioned.

2. There were at the common Law two kinds of Treason, that is, high Treason and pety Treason, but those offences which at the common Law were pety Treason (that is to say, a servant of malice pre-pensed to kill his or her Master or Mistresse, a Clerke of malice pre-pensed to kill his Ordinary, and a wife of malice pre-pensed to kill her husband) are now in Ireland by the statute of *10. H. 7. cap. 21.* made high Treason, as if the same had beene done to the Kings person.

10. H. 7. cap. 21. in Ireland.

3. There be also two sorts of high Treason namely Treasons by the common Law, and Treasons by severall statute Lawes.

4. The Iudgement in high Treason by the common Law is that

Iudgement in Treason.

the

the offender shall be taken from the barre, and returned to the prison where he was before, his irons there to be taken off, and from thence to be drawne upon a hurdle to the place of execution, and there to be hanged untill he be halfe dead; then to be cut downe alive, his in-trails to be taken out of his body and his privy members to be cut of, and burnt in the fire before his face, his head to be cut from his body, and his body to be devided into foure quarters to be disposed of at the Kings pleasure. And this is to be understood in all such cases of high Treason as concerne the death or destruction of the King; the Queene or the Prince; or the disherison of the King of any of his kingdomes or government, or the levying of warre, or the deflouring of the Queene, or the eldest daughter of the King, or the wife of the Prince, or the killing of the great officers of the King, as the Chancellor, Treasurer, or Lord privy seale, or of any Iudge being in the execution of his office, or the Kings messenger, or such like, which trench to the overthrow or diminishing of the Kings power or government, but in such cases wherein the Treason doth but only exalt it selfe upon some speciall prerogative of the King to the deceit of the people, as coyning of false and counterfeit money or such like, there the Iudgement against the offendour is to be taken from the barre and returned to the prison from whence he came, his irons there to be taken off, and from thence to be drawne upon a hurdle to the place of execution, and there to be hanged untill he be dead, but if the offender be a woman, the Iudgement against her in all cases of Treason is to be burned.

Stamf. fol. 182.
& 32.
1. H. 7. fol. 24.
1. H. 6. fol. 5.

Stamf. fol. 182.
& 32.
1. H. 6. fol. 5.
6. Eliz.
Dyer fol. 230.
the new booke
of Entries,
fol. 360.

5. Where offences which at the common Law were not Treason are by any statute Law enacted to be high Treason without any more saying, in such cases the Iudgement against the offenders shall be to be drawne and hanged, but where the stat. saith that the offence shall be Treason, as if it had beene done against the Kings person, or if the words be that the offenders shall suffer such punishment as in cases of high Treason; then the offenders shall have Iudgement to be hanged drawne and quartered.

6. Upon these differences it will follow that for breaking of prison by the stat. *de frangentibus prisonam* made in Anno 1. Edw. 2. for counterfeiting the Coine of an other Realme which is currant in this Realme which is made Treason by the statute of 4. H. 7. cap. 18. for washing, clipping, or filing of money which is made Treason by the stat. of 3. H. 5. cap. 6. for Comricke; with by the stat. of 18. H. 6. cap. 2. in Ireland; and for Selling of horse or foot upon the Kings subjects, which by the said stat. of 18. H. 6. are made Treason, the Iudgement against the offenders in all those cases is only to be drawne and hanged.

7. But for Treason in stirring up the Irish or English to make warre against the King or his Deputy, or stirring up the Irish to make warre upon the English, which by the stat. of 10. H. 7. ca. 13. in Ireland is

is made Treason, or for wilfull burning of houses or ricks of Corne, which by the stat. of 13.H.8.cap.1. in Ireland is made Treason, and for wilfull murder, which by the stat. of 10.H.7.cap.21. in Ireland is likewise made Treason, the Iudgement against such offenders is to be hanged, drawne and quartered as in cases of high Treason against the Kings person.

8. There be likewise two sorts of Felonies, that is to say, Felonies for which the offender shall suffer death, and felonies for which the offender shall not suffer death.

9. For the felonies of death the Iudgement is alike in all cases, and aswell for women as men, viz. to returne from the barre to the prison from whence they came, and there their irons to be taken off, and from thence to be conveyed to the place of execution, and there to be hanged untill they be dead. Iudgements in Felony.

10. For petty Larceny which is the stealing of goods under the value of twelve pence privily, and not by way of burglary, or robbery, the Iudgement is either by whipping, or imprisonment, so often or so long time, as the Court in discretion shall thinke fit, and if the offender be a woman and the felony exceed twelve pence, and be under the value of 10.s. her Iudgement is to be burned in the hand, and to be further punished by imprisonment, whipping, stocking, or sending to the house of correction in such sort and for so long time (none exceeding the space of one whole yeare) as the Court in discretion, according to the quality of the offence, shall thinke fit. 10. Car. cap. 16. in Ireland.

11. Misprisions are of three sorts, viz. of Treason, of Felony, and other great and exorbitant misdemeanors.

12. For Misprision of Treason the Iudgement is that the offender shall forfeit to the Kings Majestie all his goods, and chattels, and the profits of his land during his life, and to have perpetuall imprisonment. Iudgements in misprision, Stamf. fol. 38.

13. For Misprision of Felony the Iudgement is, Fyne, Ransome, 2.R.3.9. and Imprisonment, at the discretion of the Court.

14. Other particular Misprisions have their particular Iudgements, as for offering to strike a Iudge sitting in Iudgement or a Iuror in presence of the Iustices, the Iudgement is, that the offender shall forfeite his lands, goods, and chattels, his right hand to be cut off, and to have perpetuall imprisonment. Stamf. fol. 38. 22. Ed. 3. fol. 13.

15. For one of base quality that shall strike a man of honour, or a Knight, the Iudgement in ancient time was the losse of his hand, but this Iudgement is not used at this day but in stead thereof fyne and imprisonment and bonds of the good behaviour. Stamf. fol. 38. Britton fol. 46.

16. For rescuing of a prisoner arrested by any of the Kings Iudges sitting in Iudgement, the Iudgement is that the offender shall forfeit his lands, goods, and chattels, and have perpetuall imprisonment. Stamf. fol. 38. 22. Ed. 3. fol. 13.

17. The Iudgement against an offender in a *Premunire* is to be Iudgement in Premunire. Out 16.R.2.62.76

out of the Kings protection, and to forfeite his lands, goods, and chattels, and to be imprisoned during the Kings pleasure.

18. Finable offences are of severall sorts, *viz.* some are offences of force and violence, some of fraud and deceit, some of omission, and diverse others of severall sorts, some by the common Law, and others by statute Lawes, the particulars whereof, and the severall and particular Iudgements that are to be given upon each of them are before in the Articles of the Charge. *ca. 4.* and likewise in a brieve Roll added after the end of this booke particularly declared and set forth, and therefore it were needlesse to rehearse them here againe, but rather to referre the reader to that Chapter and to the Roll.

*Of the proceſſe for the Fyne of the King, and of the aſſeſſing,
and eſtreating thereof for the King.*

CHAP. 17.

1. **S**EEING that execution is but a performance of the Iudgement I shall not need to make long enumeration of the sorts of executions which are within the power of the Iustices of peace: For besides that by the knowledge of the one, the other is knowne also, the Iustices of the peace themselves have in many cases performed their duty in both, when they have in the one pronounced that which is due to the offender:

Execution for
the King.

2. Howbeit, for asmuch as that which they are to doe by way of execution, offereth profit either to the King or to his subjects: and that which pertaineth to the King, is effected in this manner, *viz.* either by imprisonment of the offender for the fyne, or else by estreating the penalty and forfeiture thereof into the Exchequer, from whence proceſſe is to issue for levying the same. I will first bestow a few words upon the fyne and estreats for the King, and then speake of the benefit that belongeth to the subject.

3. Where the Conviction is for Trespasses against the peace, Riots, and such other contempts and offences against the common Law or against some statutes, for the which no certaine Fyne is appointed, there the Iudgement is, that the party shall be taken to satisfy the King for his fyne: And thereupon, a *Capias pro fine*, is to issue and (if the party cannot be found) other Iudiciall proceſſe goeth out till he be utlawed.

4. But if the party be brought in, then is he a prisoner, and then are the Iustices of peace (by their discretion) to asseſſe the Fyne, and to commit him to prison for the same, and thereof to make an estreate, and send it into the Exchequer, that the Sheriffe may be charged therewith upon his accompt.

5. For in no case can they of themselves levy any Fyne or forfeiture due to the King, inſomuch as not they but the Sheriffe is accountant for all such matters.

6. The

6. The imprisonment that I ſpeake of, is only to the end that the King may have the Fyne, and therefore upon the payment thereof, the offender ought to be delivered, *Mar. Br. Imprisonment 100.* Imprisonment.

7. Hereof alſo the Fyne tooke firſt his name, of the Latine word *finis*, becauſe it maketh an end with the King for the imprisonment laid upon the offender, for the offence committed againſt his Law.

8. And in that reſpect chiefly doth it differ from an amercia-
ment: For when the offender hath not ſo deeply trespaſſed, that thereby it deſerveth any bodily puniſhment at all, as if he be non ſuit in an action or doe commit any ſuch like fault, he is ſaid to fall into the Kings mercy, becauſe he is therein mercifully to be dealt with. Difference between Fine and Amerciament.

9. And by *magna carta* (*chap. 14.*) that amerciament and ſumme of money which he is to pay for the ſame, ought to be aſſeſſed and aſſeſſed by the good and lawfull men of the neighbourhood, which alſo *Glanvill lib. 9. ca. 1 r.* affirmeth to have beene the Law of the land long before that time, ſaying, *Miſericordia Domini Regis eſt quia quis per juramentum legalium hominum de vicineto eatenus amercianus eſt, ne aliquid de ſuo honorabili contentemento amittat.*

10. But where the offence or contempt falleth out to be ſo great, that it asketh the imprisonment of the body it ſelfe, and that during the Kings will and pleaſure then is the party to redeeme his liberty with ſome portion of money, as he can beſt agree with the King, or his Juſtices, for the ſame, which compoſition is properly called his fyne, or his ranſome, and in Latine *Redemptio*, as may be plainly ſeene by the ſtatute of *Marleb. 52. H. 3. cap. 1. 2. 3. & 4.* and by the ſtatute called Ragman, and divers other ancient ſtatutes: Where (by the way) it ſeemeth by the propriety of the word *redemptio* that the party offender ought firſt to be imprisoned, and then to be delivered (or ranſomed) in conſideration of his fyne.

11. Alſo whereas any ſtatute ſpeaketh of fyne and ranſome both (as *38. Ed. 3. ca. 9.* and others doe) it is taken that the ranſome ought there to be at the leaſt treble ſo much as the Fyne, *Dyer 232.*

12. But now of later time, the Juſtices themſelves have in ſome caſes of amerciaments alſo uſed to aſſeſſe and rate the ſame without any other helpe, as where the officers of their Courts have offended. *33. H. 6. 54. 34. H. 6. 20. & Lo. 5. Ed. 4. 5.* which alſo ſeemeth to make an other difference betweene the two words. But becauſe neither of theſe be ſtrictly obſerved, either in common ſpeech or in the underſtanding of the later ſtatutes, I will no longer ſtand upon it.

13. Now therefore, if the offence be fineable, by generall words only, without ſpeaking of any fyne, or without ſhewing by whom the fyne ſhall be aſſeſſed (for ſo it is commonly in the elder ſtatutes that doe prohibite any thing to be done) there the aſſeſſement thereof belongeth to the Juſtices before whom the conviction is lawfully had. Fine by diſcretion of the Juſtices.

14. Againe if it be fineable by theſe (or ſuch like) words at the Kings pleaſure (as you ſhall finde it in many ſtatutes) then alſo the ſame Juſtices (before whom the conviction was) ſhall aſſeſſe the fynes at their wils and pleaſures. For (ſay the bookes. 2.R.3.11. & 18.H.8.1.) the King (in all ſuch caſes) uttereth his owne will and pleaſure by the mouthes of the Juſtices.

15. And yet ſome ſtatutes (uſing plainer ſpeech) doe namely reſerre the fyne to the diſcretion of the Juſtices of peace.

16. For they may (upon conviction had before them) ſet fyne by their diſcretion upon ſuch aſtake Salmons, or deſtroy the fry of fiſh in Rivers, againſt the ſtatutes W.2.cap.47. 13.R.2.cap.19. & 17.R.2.ca.9.

17. And in theſe caſes (even as in caſes of amerciaments) the Juſt.ought to take heed that the fynes be reaſonable and juſt, having regard to the nature and quality of the offence, as it is commanded by the ſtatute of 34.Ed.3.cap.1.

Fyne to be aſſeſſed openly.

18. But this fyne (or paine) awarded by the diſcretion of the Juſtices of P. ſhall doe the more good, both to the Prince in profit, to the people in example, and to the Juſtices themſelves in credit, if it be pronounced at the Bench openly (as it ought to be) and not ſhuffed up in a chamber (or Corner) ſecretly, as in ſome places it hath beene uſed to be.

Mitigation of the forfeiture of a ſtatute.

19. I have heard, that even in caſes where the ſtatutes doe appoint a certaine forfeiture (as v.l. or x.l. &c.) yet the praſtiſe is, to mitigate the ſame by diſcretion, if ſo be that the party will come in upon the Endictment and put himſelfe in *gratiam regis* (with or without confeſſion of the fault) as I have told you before, ſo that the fyne ſhall be ſmall, where the fault was great, and the penalty of the Law it ſelfe not ſmall.

20. But this manner of doing (in my minde) is ſo void of ſound reaſon, that I cannot recommend it to the Juſtices of peace, but doe rather condemne it as a mockery of the Law, yea I finde that ſundry ſtatutes (fearing belike ſome ſuch thing) have ſpecially prevented it, commanding that Juſtices of the peace ſhall aſſeſſe no leſſe fyne, then is in thoſe ſtatutes themſelves beforehand appointed.

Extreating for the King.

21. But hitherto we have not ſufficiently performed that, which the Commiſſion of the peace hath in theſe words, *Salvis nobis amerciamentis, & alijs ad nos inde ſpectantibus*, and therefore it is not enough to have aſſeſſed the fyne, but we muſt alſo diſcloſe the meanes by which, aſwell this fyne (that is reduced to certainty by the diſcretion of the Juſtices) as all other amerciaments, and thoſe other penalties and forfeitures alſo that are certainly prefixed by words of the ſtatutes, may be levyed and brought into the Kings Coffers.

22. Order was taken by an ancient ſtatute (intituled *de Scacario*, and noted to be made. 51.H.3.) that all Juſtices, Commiſſioners, and Enquirers whatſoever, ſhould deliver into the Exchequer (at the feaſt

feast of Saint *Michael* yearly) the extracts of Fynes and amerciaments, taxed and made before them, that the King might be duely answered thereof. And the same (in effect) was afterwards confirmed by another statute entituled *de forma mittendi extreta ad Scaccarium*, which although it be said to be made. *15. Ed. 2.* yet forasmuch as it mentioneth that the former statute was made in the time of the father of the same King which made the latter, it must needs be, that either the one, or the other of them was in the time of King *Ed. 1.*

23. The statute. *12. R. 2. cap. 10.* had allowed to every of eight Iustices of the peace, *iiij. s.* by the day, for the time of their quarter Sessions, to be paid (by the hands of the Sheriffe) of the Fynes and amerciaments comming of the same Sessions: But because it was soone after seene, that it was a great delay to the Iustices of peace in this payment, to expect the levying of these Fynes and amerciaments by estreats first sent up to the Exchequer, and then delivered thence to the Sheriffe (which was at that time the common manner of levying fynes and amerciaments) therefore it was within two yeares after (*viz. 14. R. 2. ca. 11.*) provided, that the estreats of Iustices of peace should be indented (or doubled) and the one part thereof delivered by them to the Sheriffe, to the intent that he may levye the money thereof rising, and pay the Iustices their wages by indenture betweene him and them to be made, that thereupon he may have allowance upon the passing of his account, and the other part to be sent into the Exchequer.

24. And hereby (as I thinke) the estreats of the Iustices of the peace bee now an immediate warrant for the Sheriffe, to levy, not only the fynes and amerciaments, but also all other issues, penalties, losses, forfeitures, and summes whatsoever, arising before them: For the words of the statute are generall (the money thereof arising) and there, whatsoever summes are to be estreated into the Exchequer, the same are also to be levied by the Sheriffe.

25. And these are properly called Estreats, of the word *Extracta*, because they be short notes (or memorials) extracted or drawne out of the Records, by the Clerke of the peace, and by him indented & delivered the one part to the Sheriffe and the other to the Barons of the Exchequer, bearing this (or the like title) *Extractum finium & amerciamentorum forisfactorum ad generalem Sessionem pacis tentam apud Trym, &c. Coram, &c.* For the whole forme of the making whereof there is full direction given to all Clerkes of Estreats by the statute. *7. H. 4. cap. 3.* whereunto I referre them.

26. Howbeit, I doe not thinke, that in our case this duty of estreating is so peculiar to the Clerke of the peace, but that the Ju. of P. themselves, ought also to have a common and carefull eye unto it: For if you remember, it is both specially provided for in the Commission, and also an Article of their oath, to see unto the faithfull entry and certificate of the issues, fynes, forfeits, and amerciaments that doe

Ju. of the P.
ought to have
care of the
Estreats.

doe happen before them, and therefore it were well done (in my opinion) if the Ju. would by turne (or otherwise) both take knowledge of things that have passed before them, and also take order that the same be certified accordingly: lest otherwise it lye altogether in the power of the Clerke of the peace to save or slay (as one said) the Sparrow that he holdeth closed in his hands.

Of executory processe, and execution for the parties that sue, or for other persons, and of the restitution of goods stolen. CHAP. 18.

1. **A**lbeit that the Iustices of the peace have this power to make warrants for levying the amerciaments, fynes, and other forfeits, that grow unto the King by their service, yet is it commonly thought, that they may not, (but in some cases only, and that by speciall words of the statutes) make execution (for them that will sue) of such part of the forfeiture, as the statutes doe appoint for them.

2. For most commonly the party that will sue is by the statutes put to his action at the common Law, for recovery of that which he is to have, growing upon conviction of any offence contrary to the statutes; for which he is to commence his action (or bill) of debt: But where they have power, either by their Commission, or by any statute to heare & determine any cause at the prosecution of a private person, I doe not see how the cause can well be said to be fully determined, till the complainant hath had the effect of his suite, which cannot be without execution.

Liveries

3. For the moiety growing to the Informer upon the statute of Liveries (*8. Ed. 4. cap. 2.*) they shall make such execution, as ought to be had in recovery of debt or Trespasse.

High wayes.

11. Iacobici ca. 7. in Ireland.

4. And the Estreats (made by the Clerke of the peace) of forfeits for default of amending high wayes, are a sufficient warrant to the Constables to levye the same by distresses to the use of the Churchwardens of the Parish where the default was, toward the amendment of the said wayes.

Perjurie.

5. So upon the statute of perjurie, made in *28. El. cap. 1.* in Ireland. And peradventure search will afford some more examples: but these may suffice for my desire, which is not (in this, or any the like) to recount all, but to make good proove of that which I offer and propound, the rather that the Iustices and Clerke of the peace may thereby take occasion to looke upon the statute whensoever Execution shall be prayed for any cause depending before them upon any statute whatsoever.

Restitution of goods stolen,

6. And because the awarding of restitution of goods stolen to the owner, or partie robbed (after the attainer of a felon by reason

son of the evidence given by them) is a manner of execution for the party: I may without violence bring hither the effect of the statutes made upon that point, and lying within the authority of Iustices of the peace, which standeth thus, if any felon of goods, money, or chattels, taken from any of the Kings subjects be indicted, arraigned, and found guilty thereof, or otherwise attainted, by reason of evidence given by the party robbed, or the owner of the said goods, money, or chattels, or by any other by their procurement, then shall such party or owner be restored thereunto, and the Iustices before whom such finding guilty or such attainder shall be, shall have power to award writs of Restitution of the goods stolne *in specie*, if they may be found, and if they cannot be found, or that the property be altered, then they may award Restitution of the felons goods.

28. H. 8. ca. 10.
& 4. Ma. cap. 6.
in Ireland.

*Of certifying the Records of the Sessions of the peace to other
Courts or officers.* CHAP. 19.

1. **A**S I have already manifested, that Iustices of the peace have not sufficient power (of themselves) to heare and determine all causes, whereof they have in their Sessions authority to enquire: So also there be sundry things determinable before them there, which neverthelesse may (in some respects) be brought to a second handling, either to the end to reverse that which they have done, or that their doings may be an evidence and testimony in the tryall of causes before other Iudges.

2. And because this cannot in any sort be performed, without the presence of those former Records (or the transcripts thereof) which began with the Iustices of the peace, it is therefore requisite that they doe make certificate of them unto those other Courts, or officers that shall use the same.

3. But as this certificate ought in some cases to be made by the Iustices of peace (or their Clerke) without any writ of *Certiorari* therefore directed, and in some other cases they may spare to certifie, untill that writ (or some other commandement) be brought unto them: So also sometimes they are to certifie and send up only a Tenor (or Transcript) as I have formerly said of the Record before them, and sometimes the very Record it selfe must be conveyed from them.

4. But in cases where Iustices of the peace have power to receive Endictments, and no power to proceed any further upon them, as in cases of Treason and some others which I have formerly declared, there they ought to send up and certifie the Endictments themselves into the Kings Bench, and that of duty without any *Certiorari* commanding the same, because having none authority to heare and try the offences, the Records thereof shall be unprofitable before them:
and

and therefore they can have no just cause to retaine them.

5. And so if a man that is bound to keepe the peace and to appeare at the next Sessions of the peace doe make default of apparance the Recognisance it selfe (together with the Record of that default) must be estreated into the Exchequer, that execution upon the Recognisance may be had there. *3.H.7.ca.1.* and so ought it if it be presented, that the party hath forfeited his Recognisance by breach of the peace. And likewise if it be presented before them, that the chattels of a man attainted of felony, be in the hands of another; For, in these and such other cases where they cannot of themselves proceed, they ought to send the Records to such as have authority to determine upon them, and otherwise they doe not discharge that duty, which the words *Salvis, &c. & alijs ad nos inde spectantibus*, in the Commission doe seeme to expect at their hands.

6. Touching the *Certiorari*, it is of force (if it be made accordingly) to remove not only Endictments, or other executory Records, wherein the Iustices of peace can goe no further, and whereof I have spoken already, but also the Records of causes fully and lawfully heard and determined by them, to the end that they may be reversed and annulled in the Kings Bench, if good matter and cause doe require it.

7. For that preheminance hath the Kings Bench, and all other the higher Courts to write to the Iustices of peace, to certifie their Records that doe make for the tryall of causes hanging in them, as you may read in *19.H.6.19.* where the Iustices of the common place did send to the Iustices of peace for an Endictment, because in a writ of conspiracy (brought before them) it was materiall to have it.

8. And yet they of the common place doe not use to write for Endictments or such other Records, unlesse they be thereunto induced, by cause hanging in their owne Courts before them: For otherwise the right way to remove them is by *Certiorari* out of the Chancery, from whence they may be transferred (by *Mistimus*) to any other Court. *41.li.Aff.pl.2.per Knyvet* chiefe Iustice.

Matters by severall Statutes specially appointed to be done and executed in the Quarter Sessions. CHAP. 20.

1. **V**Ve have hitherto laboured and run over such things as are common to all generall Sessions of the peace, and yet because there be certaine matters that are by severall statutes specially appropriated some to any, and others to some one of the quarter Sessions, it will not be amisse to set forth what Sessions is and ought to be called a quarter-Sessions.

2. Every quarter Sessions is a generall Sessions of the peace, and is styled *generalis sessio pacis*, but other Sessions which are held upon speciall

speciall occasions, although all the articles inquirable in the Sessions of the peace be given in charge are not quarter-Sessions nor to be styled *generalis sessio pacis* but only *Sessio pacis*, &c.

3. This quarter-Sessions is so called, because it is holden quarterly, viz. foure times in the yeare, and the stat. of 4. H. 7. cap. 12. calleth these foure quarter-Sessions principall Sessions, for that in them chiefly the whole power and authority of the Iustices of peace doth shine and shew it selfe more then in other Sessions.

4. These quarter-Sessions have beene appointed by severall statutes to be holden quarterly and at speciall times, and therefore it will not be amisse for our better instruction to peruse such statutes as doe either in deed or in shew concerne this point.

5. The stat. of 25. Ed. 3. cap. 8. ordaineth That the Iustices of peace make their Sessions in all the Counties of England at the least foure times in the yeare, viz. at the Feasts of the Annunciation of our Lady, Saint Margaret, S. Michael, and S. Nicholas: and also at all times that shall be needfull according to the discretion of the same Iustices.

6. But this ordinance was altered as to the times by the Stat. of 36. Ed. 3. cap. 12. which ordaineth, that in the Commission of the peace shall be contained that the Iustices of peace shall hold their Sessions foure times in the yeare, viz. one within the *Vtas* of the Epiphanie, the second within the second weeke of Lent, the third betweene the Feasts of Pentecost, and Saint Iohn Baptist, and the fourth within eight dayes next after Michaelmas.

7. But this is againe altered as to the times by the stat. of 12. R. 2. cap. 10. which hath ordained that the Iustices of peace should hold their Sessions once in every Quarter of the yeare at the least, without expressing any certaine time, and hereupon, as I conceive, it gained the name of the Quarter-Sessions, and ever sithence hath been so called. For before this statute, although foure Sessions were to be held yearely, yet the same were not quarterly.

8. But after this in Anno secundo H. 5. cap. 4. there was another stat. made, whereby it is ordained that the Iustices of the peace in every Shire named of the *Quorum* be resident within the same Shire except Lords named in the Commission of the peace, and also except the Iustices of the one Bench and of the other, the chiefe Baron of the Exchequer, Serjeants at Law, and the Kings Attourney for the time that the same Iustices, Chiefe Baron, Serjeants at the Law, and the Kings Attourney be attending and occupied in the Kings Courts, or otherwise in some other place occupied in the Kings service, and also make their Sessions foure times by the yeare, that is to say, in the first weeke after the Feast of S. Michael, the first weeke after the Epiphanie, the first weeke after Easter weeke, and in the first weeke after the Translation of Saint Thomas the Martyr, which is the third of Iuly, and more often, if need be.

9. Now there are divers offences which by severall statutes are inquirable, and some other things are to be done by the Iustices of peace, for the well ordering of the Common-wealth only at the Quarter-Sessions, because the Statutes themselves doe appoint the Quarter Sessions for the enquiring and doing of the same.

10. The Statutes which doe appropriate divers matters to the Quarter Sessions, or to some one of them are these that follow, viz.

11. By the Stat. of 1. H. 7. cap. 7. unlawfull hunting in forrests, parks, and warrens with painted faces, vizzards, or otherwise disguised is to bee punished by Fyne, to bee assessed at the next generall Sessions of the peace, which is to be intended of the quarter Sessions which were publicquely knowne, and not of any Sessions held upon speciall occasion.

12. So likewise by the Stat. of 11. Iac. cap. 7. in Ireland, the defaults for not amending of high-ways according to that stat. are to be punished at the next Quarter-Sessions.

13. So likewise perjurie and subornation of perjurie are by the stat. of 28. Eliz. cap. 1. in Ireland, to bee punished in the Quarter-Sessions.

14. Also by the statute of 11. Caroli cap. 4. in Ireland, the Iustices of peace, or the more part of them, may at any Quarter-Sessions give order for the erection of houses of Correction, and for stockes of money and all other things necessary for the same, and for the government thereof, and such houses of Correction are to be purchased, conveyed or assured upon trust to such persons as by the Iustices of peace, or the more part of them, in their Quarter Sessions of the peace shall bee thought fit, and such Iustices may at their Quarter Sessions of the peace next after such houses shall bee built, and so from time to time appoint Governours or masters thereof, and may make them such allowance and maintainance as they shall thinke meet. And if the masters of such houses doe not every Quarter Sessions yeeld a true and lawfull accompt unto the Iustices of peace of all such persons as have beene committed to their custodie, or if the said persons trouble the Countrie by going abroad, or escape from such houses of Correction, the most part of the said Iustices in their Quarter Sessions may Fine the said Masters and Governours as they shall thinke fit.

15. In like manner by the statute of 10. Car. cap. 18. in Ireland, the Iustices of peace in their open Sessions have power to enquire, heare and determine the defaults of Vnder-Sheriffes, Sheriffes, Clerkes, or the Clerkes of Under-Sheriffes, and the defaults of bailiffes of Franchises for not duely executing their office according to the said stat.

16. So likewise by the stat. made in Anno 10. Car. cap. 26. in Ireland, the Iustices of peace in the Quarter Sessions with the assent of the Grand Iury have power and authority to taxe and set every inhabitant in any such County, Baronie, Citty, Burrough, Towne

or

or Parish within the limits of their Commissions to such reasonable aide and summe of money as they shall thinke, by their discretions, convenient and sufficient for the new building, repairing, reedifying and amendment of any Bridges, Causeyes, and Toghers, and after such taxations made, the said Iustices of peace shall cause the names and summes of every particular person so by them taxed to be written in a Roll indented, and shall also have power and authoritie to make two Collectors of every Baronie, Cittie, Burrough, Towne or Parish for Collection of all such summes of money by them set and taxed, which Collectors receiving the one part of the said Roll indented under the Seales of the said Iustices shall have power and authoritie to collect and receive all the particular summes of money therein contained; and to distraine every such inhabitant as shall be taxed and shall refuse paiment thereof, in his lands, goods and chattels, and to sell such distresse, and of the sale thereof retaine and perceive all the money taxed, and the residue (if the distresse be better) deliver to the owner thereof. And likewise the said Iustices of the peace have power and authoritie to name and appoint two Surveyors which shall see every such Bridge, Causey, and Togher builded, repaired and amended from time to time as often as need shall require, to whose hands the said Collectors shall pay the said summes of money taxed, and by them received, and that the Collectors and Surveyors and every of them, and their executors and administrators, and the executors and administrators of them, and every of them from time to time shall at the publike Sessions of the peace make a true declaration and accompt to the Iustices of peace of the Shire, Citty, or Towne corporate wherein they shall be appointed Collectors or Surveyors of the receipts, payments and expences of the said summes of money, and if they or any of them refuse that to doe, that then the Iustices of peace from time to time by their discretions shall have power and authority to make processe against the said Collectors and Surveyors and every of them, their executors and administrators, and the executors and administrators of every of them by Attachments under their seales returneable at the generall Sessions of the peace, and if they appeare then to compell them to accompt as is aforesaid, or else if they, or any of them refuse that to doe, then to commit such of them as shall refuse to ward, there to remaine without baile or mainprise till the said declaration and accompt be truely made, and the said Iustices have full power and authoritie to allow such reasonable costs and charges to the said Surveyors and Collectors, as by their discretion shall bee thought fit and convenient.

16. And likewise by another statute made in *Anno 10. Carol. ca. 15.* in Ireland, the Iustices of peace have power in their Quarter Sessions to enquire, heare and determine all and every offence and offences of plowing, harrowing, drawing and working with Horses, Mares,

Gueldings, Garrans, and Colts by the Tayle; And also of pulling the wooll from living sheepe in stead of clipping or shearing of them, and to punish the offenders by Fyne and Imprisonment.

17. So likewise by the statute of 33. H. 8. ca. 9. in Ireland, the wages of Artificers and Labourers are to be rated twice in the yeare: viz. at the Quarter Sessions next after Easter for that halfe yeare following, and at the quarter Sessions next after Michaelmas for the other halfe yeare, and the wages of servants which are to serve by the yeare to be rated in the Quarter Sessions next after Easter. And in like manner by the statute of 13. R. 2. cap. 8. the Iustices of peace in any generall Sessions are to set rates upon victuals and to punish the victuallers which breake those Rates.

18. But here *M. Lambard* in his fourth booke, cap. 19. of the Quarter Sessions would make us to beleieve that if the quarter sessions or generall sessions of the peace be not holden at the precise times appointed by the said statute of 2. H. 5. cap. 4. but that the same be held at any other time, the Iustices of peace have no power to enquire of, heare, determine, or otherwise to intermedle with any of the matters aforesaid, which are appropriated to the quarter Sessions, for saith he such Sessions as are not held at the times prescribed by the said statute of 2. H. 5. are no Quarter Sessions, and then all that is done before the Iustices of peace concerning the matters aforesaid in any sessions holden at any other time is *coram non iudice*, and without warrant, but herein I am not of *M. Lambards* opinion, for that the sessions named in some statutes, the principall sessions, in others the open Sessions, and in others the generall or quarter sessions of the peace are all one and the same, and are all styled by one and the same style, that is, *generalis sessio pacis*, and there is not any Sessions styled by the name of Quarter Sessions, although in common parlance we call them so, because they are held quarterly. So as those statutes which referre any thing to the principall, the publick, open or quarter sessions are all to be understood of that generall Sessions which is held quarterly, and all those things may bee there handled, although the same be not held at the precise times prescribed by the statute of 2. H. 5. as *M. Lambard* would have it to bee, for the authority whereby the generall sessions of the peace are held is not the statute of 2. H. 5. nor any other statute, but the Commission under the great seale, whereby the Iustices of the peace are authorised to hold their sessions at such times and places as they or any two or more of them, so as one be of the *Quorum*, shall thinke fit to appoint.

19. Also the statute of 2. H. 5. cap. 4. hath not any negative words, *videlicet*, that the sessions should not bee holden at any other times then those which are mentioned in the same statute.

20. But if the statute of 2. H. 5. had been in the negative, or else if the Commission had been specially grounded upon that statute

as formerly from 36.E.3. untill 12.R.2. it was grounded upon the statute of 36.E.3.ca.12. wherein expresse mention was made of the speciall times wherein the Sessions of the peace should be holden, I should have beene of *M. Lambards* opinion.

21. So as upon consideration of all the statutes and of the Commission, I am of opinion clearely that the generall Sessions of the peace held quarterly, although at other times then are mentioned in the said statute of 2.H.5. are holden by good warrant and authority, and are both generall, principall, open and Quarter sessions within the meaning of all the said statutes, and maketh not any nullity of the Acts done therein, neither are the Iustices punishable for not observing the time appointed by the said statute of 2.H.5. because the Commission doth dispence with the statute in that point, yet notwithstanding I could wish that the Iustices of peace by reason of their oath would be carefull to hold their Quarter Sessions at those appointed times.

Of the Speciall Sessions of the Peace. CHAP. 21.

1. **T**He speciall Sessions of the peace doe varie from the generall, in this chiefly, that they be holden at other times when it shall please the Iustices themselves, or any two of them (the one being of the *Quorum*) to appoint them upon any speciall occasion. And this power they have, not only by the Commission, but also by the statute 2.H.5.c.4. which alloweth them to doe it more often then the foure times, if need doe so require.

2. They be also (for the most part) summoned for some speciall businesse, and not directed to the generall service of the Commission: And yet there is no doubt, but that all the Articles within the Commission of the peace, are both inquirable and determinable at any speciall Sessions of the peace, if the Iustices shall so please.

3. *M. Fitzh.* useth a third difference betweene the generall and speciall Sessions of the peace: affirming, that whereas at the generall Sessions, the Iustices of P. ought of dutie to give in charge, all matters (within the Commission or statutes) that are to be determined before them: yet neverthelesse at the speciall Sessions they are at libertie to give in charge, either all or any of them, as it shall seeme good unto themselves.

What things
be inquirable
at the speciall
Sessions of the
Peace.

Ibid.

The forme of the precept for Summons of a speciall Sessions may bee thus.

R. B. Miles I.L. & T.M. armigeri Iusticiarij (inter alios) Domini
Regis nunc ad pacem in Comitatu Dublin conservandam assignati, Nec
non ad diversas felonias, &c. vicecomiti comitatus predicti salutem. Ex
parte

parte dicti Domini regis precipimus firmiter injungentes, quod non omit-
tas propter aliquam libertatem infra Baroniam de U. & N. aut eorum
aliquod in Comitatu predicto, quin venire facias coram nobis apud L. in-
fra Baroniam de V. predict. X. die August. proximè futuro xxiiij. probos
& legales homines de eisdem Baronijis ad inquirendum tunc ibi, pro dicto
Domino Rege, tam super quibusdam articulis in statuto in Parlamento
nuper Reg. Edwardi tertij, Anno regni sui vicesimo tertio edit. Artifi-
ces, laboratores, servientes, & apprenticios concernentibus, quam super ar-
ticulis quibusdam in statuto in Parlamento nuper Reg. H. 8. Anno reg-
ni sui 33. ten. edit. Roguos, Vagabundos, validos, mendicantes & alios
pauperes tangentibus: Proclamari etiam facias in idoneis locis per Baro-
nias predictas quod omnes qui versus predictos artifices, laboratores, servi-
entes, apprenticios, roguos, vagabundos, validos, mendicantes & alios paupe-
res seu eorum aliquos conqueri voluerint sint tunc ibidem coram nobis
ad prosequendum versus eos parati. Et sis ibi tunc vel vicecomes tuus, ha-
bens nomina Iuratorum præd. & hoc nostrum breve. Testibus nobis R. B.
I. L. & T. M. apud K. in Comitatu predicto ultimo die Martij, Anno Reg-
ni Domini nostri Caroli Dei gratia, Anglia, &c. regis, &c.

*Of the Rewards and punishments due to the Iustices of Peace
in respect of their Sessions. CHAP. 22.*

The wages of
the Iust. of the
P. at the quar-
ter Session.

1. **V**W^Hile it was at the libertie of the Iustices of peace to hold
their quarter Sessions as short time as they would, the
law did not allow them any wages for their paines: But when the
statute (13. R. 2. ca. 10.) had bound them (under paine of punishment)
to continue their Sessions three daies together (if the affaires of their
office did so require) the same statute thought it meete also, to allow
to every of them iiij. s. by the day, for the time of their Sessions, to
be paid by the hands of the Sheriffe out of the Fynes and amercia-
ments rising of the same Sessions: and that the Lords of Franchises
should bee contributories to those wages, after the proportion of
their parts of the said Fines and Amerciements.

2. But because it was very dilatory for the Iustices of peace to
take those wages at the hands of the Sheriffe (as I have already tou-
ched) upon the Estreat sent out of the Exchequer: And for that also
it grew in question, whether such Lords as were named in the Com-
mission of the peace should be partakers of the same wages: the sta-
tute (14. R. 2. ca. 11.) did plainly provide, that the wages of these
Iustices should be levyed and paid by the Sheriffe upon estreats in-
dented betweene the Sheriffe and them: And that no Duke, Earle,
Baron or Baronet (albeit they were Iustices of the peace, and did
hold their Sessions with other eight Iustices) should take any wages
for their office in their behalfe.

3. And hereof also *M. Mar.* collecteth that how many soever
Com-

Commissioners of the peace there shall be assembled at these Sessions: yet only eight of them shall receive the wages: because (saith he) that at such time as these wages were first appointed, the Law did take knowledge and make allowance only of eight Iustices and no more. And he also maketh it doubtfull, whether it bee not in the power of the Barons of the Exchequer, to appoint which eight, when moe be assembled at the Sessions, shall have the wages paid unto them.

4. For the first point, it would bee somewhat hard (indeed) to straine that statute so farre, as to give wages thereby to so many Iustices as be now at these dayes in every Shire, and would be present at the Sessions: and concerning the latter point, it seemeth by the latter Statute it selfe, that the sheriffe shall first pay the wages, and then the Barons shall make the allowance according to the Indenture: So that I see no libertie of such nomination left unto the Barons.

5. I confesse that it might breed both offence against the Sheriffe, and a jealousie among the Iustices themselves, to have one of them preferred before another in this payment: and therefore I thinke it wisely done (as it is somewhere used) to bestow the whole allowance upon the defraying of their Common Diet.

6. If the Fynes and Amerciaments of the same sessions (saith M. Marr.) will not fully amount to the summe of the wages then due to the Iustices, yet shall the wages be ratably payed out of them so farre as they will extend.

7. Hitherto of reward, henceforth of punishment. It seemeth by the opinion of some Iustices (2. R. 3. 10.) that if a Iustice of the peace doe any thing of Record ignorantly, and for want of knowledge, that he shall not be punished for it. And this opinion of theirs is not new in this realme, although it bee otherwise truly said, *Imperitia quoque culpa adnumeratur*: for you may read in the old lawes of King Edgar (cap. 2.) and of King Canut. (cap. 14.) that if a Iudge had erred in his office, hee might then have excused himselfe by oath; That he did it not of evill minde, and that he knew not how to doe better: which I speake not to comfort men in carelesse ignorance, but to shew you that men may erre and (erring by infirmitie) they are not altogether unworthy of pardon: and withall to let the Iustices of peace see, that it may be a fault to erre by ignorance, and that therefore they ought to stay (where they meet with *non liquet*) as their owne Commission doth direct them.

8. Now on the other side, if a Iustice of the peace will craftily embezell an Endictment or wilfully raze any part thereof, or maliciously enrolle (or file) that for an Endictment which was never found by the Iurie. Then by the Resolution of all the Iustices assembled before the King in the Starre chamber, 2. R. 3. a Commission may goe out to enquire (by the oathes of twelve men) of such his misdemeanour, and if he bee convicted thereof, he deserveth to loose

Punishment at
the Common
Law.

Lamb. li. 4.
pag. 630.

loose his office, and to make Fyne to the King according to the quantitie of his misprision and offence, *ibidem fol. 10.* And even so may he be punished (as this booke leadeth mee to thinke) if he alter an Endictment of Trespasse, into an Endictment of Felonie, howsoever the opinion (*27. lib. Ass. pl. 18.*) be found against it.

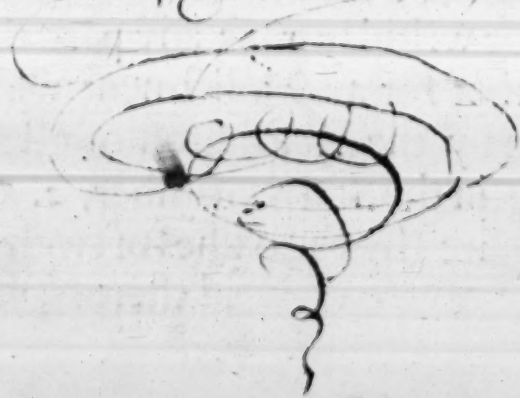
9. A Iustice of the peace may also be indicted of the unlawfull taking of money for doing his office, or of such other falsitie, *Fitzh. Na. b. 243.* And if he cause a man to bee endicted at the Sessions by former conspiracy, or indirect practise, hee is punishable for it, as a private man. *21. E. 4. 67.*

10. But if (in the handling of a cause at the open Sessions) it happeneth him to speake against an offendour somewhat excessively, yet he shall not bee punished for it. *Iuris enim executio non habet injuriam:* Neverthelesse, Iudges ought not to abuse their tongues by intemperance, but they must rather take great heed (as *Cic.*

pro Font. said) *Quibus verbis utantur, nè quid nimis moderate possint, nè quid ab aliqua cupiditate prolapsum verbum esse videatur.*

FINIS.

*Summ Wilhelmus Dols. Co.
Scrip. dols in Comitatu
Anglesey & Warrigoni*





A briefe Roll of the Articles and matters to be given in Charge and inquired of by the Grand-Iury in the generall or quarter Sessions of the peace, set forth in two Columnes: the first containing the Offences, the second declaring the severall punishments which are to be inflicted for every particular Offence. The offences consist of these five parts following. *viz.*

1. Of Treasons.
2. Of Felonies.
3. Of Misprisions.
4. Of *Premunires*.
5. Of Finable Offences.

1. Concerning Treasons, it is to be observed that at the Common Law before the tenth yeare of King *Henry* the seventh, there were two sorts of Treasons, *viz.* high Treason and pettie Treason: but now by the statute of *10. H.7. ca. 21.* all such offences as at the Common Law were but pettie Treason are made high Treason.

2. Concerning Felonies, they be of two sorts: *viz.* Felonies of death, for which the offender shall loose his life, lands, and goods; and felonies not of death, for which the offendour shall neither loose life nor lands; but shall forfeit onely his goods and chattels: and either have his pardon of course, or otherwise bee punished by imprisonment, whipping, or burning in the hand, as the case shall require.

3. Concerning Misprisions, they be of three sorts: *viz.* Misprisions of Treason, Misprisions of Felonie, and other Misprisions.

4. Concerning *Premunires*, they are of two sorts: the one is the extolling of forraigne power and Iurisdiction in this Kingdome: the other is for prosecuting causes in the Ecclesiasticall Courts for matters meerely temporall, and determinable at the Common Law.

5. Concerning Finable Offences, they are of foure sorts: *viz.* First, Offences of force and violence; Secondly, Offences of fraud
K k k and

and deceit; Thirdly, Offences of Omillions, and neglects of Officers and others; and lastly, other abuses and enormities of severall sorts tending to the hurt and prejudice of the Common-wealth.

The particulars of all these Offences you shall find in the first Colunne, and of the punishments in the second, as followeth, viz.

The Offences.	The Punishments.
<p><i>First, of Treasons, viz.</i></p>	
<p>1. The compassing or imagining the death or destruction of the Kings Majestie, the Queene or their sonne and heire apparant.</p>	
<p>2. The conspiring to depose the King, or to take from him any of his Forts, or to defeat his Armie.</p>	
<p>3. The deflouring of the Queene, or the eldest daughter of the King not married, or the wife of the eldest sonne and heire apparant of the King.</p>	
<p>4. Levying of warre against the King in his realme.</p>	
<p>5. Adhering to the Kings enemies in his realme or giving them ayde or comfort in his Realme or elsewhere.</p>	
<p>6. The counterfeiting of the great or privy seale of the King.</p>	
<p>7. The counterfeiting, clipping, fyleing, washing or other falsifying of the Kings mony, and also the forging and counterfeiting of forraigne Coine permitted to passe currant in this kingdome.</p>	<p>The punishment for the 6. 7. 8. 14. 15. 21. and 22. of these treasons for a man is to bee drawen and hanged, and for a woman to be burned; and for all the rest, for a man to be hanged, drawne and quartered, and for a woman to be burned, <i>vide Coke, libro Intrationum fo. 360. 6. El. Dy. fo. 230. p. 55. 1. H. 6. fo. 6. & Stamford fo. 32. f.</i></p>
<p>8. The bringing in of false money, like to the money of this kingdome out of another kingdome, knowing the same to be false and counterfeit.</p>	

The Offences.

9. Killing the Chancellour, Treasurer, or any Iustice of the one Bench or the other, or any Iustice in Eyre, or of Assise, or any other Iustice of Oyer and Terminer being in his place and doing his office.

10. Going into rebellion or standing upon their keeping, and being so upon their keeping, robbing, burning, or spoiling any of the Kings subjects.

11. Wilfull burning of houses or Rickes of Corne in the fields or villages.

12. Taking the name of O Neale or any thing by colour of that name or dignitie.

13. Murder of malice pre-pensed.

14. Putting or receiving into Comricke.

15. Selling of horsemen or footmen by Lords or others upon the Kings subjects without authoritie.

16. Causing of assemblies, insurrections or conspiracies, or in any wise procuring or stirring the Irish or English to make warre against the Kings Lievetenant, Deputy or Iustice, or in any manner procuring or stirring up the Irish to make warre upon the English.

17. Extolling of forraigne power or Iurisdiction in this kingdome after two convictions.

18. Procuring or consenting to the committing of any high Treason, or relieving of any Traitor after the Treason committed, knowing the same.

The punishments.

The punishment for the 6. 7. 8. 14. 15. 21. and 22. of these treasons for a man is to bee drawen and hanged, and for a woman to be burned; and for all the rest, for a man to be hanged, drawne and quartered, and for a woman to be burned. *vide Coke, libro Intrationum, fo. 360. 6. El. Dy. fo. 230. p. 55. 1. H. 6. fo. 6. & Stamford fo. 32. f.*

The Offences.

19. Rescuing of Traitors which are arrested for suspicion of Treason.

20. Voluntary escapes of Traitors which are committed for suspicion of Treason.

21. Breach of prison by any that is committed or arrested for Treason.

22. Breach of prison by any others whereby any that is committed for Treason doth escape, this is Treason as well in the prisoner that escapeth as in him that brake the prison.

The Punishments.

The punishment for the 6. 7. 8. 14. 15. 21. and 22. of these treasons for a man is to be drawn and hanged, and for a woman to be burned; and for all the rest, for a man to be hanged, drawne and quartered, and for a woman to be burned, *vide Coke, libro Intrationum fo. 360. 6. El. Dy. fo. 230. p. 55. 1. H. 6. fo. 6. & Stamford fo. 32. f.*

Secondly, of Felonies which bee of two sorts, that is,

1. Felonies of death.
2. Felonies not of death.

First, Felonies of death, viz.

1. Manslaughter.
2. Rape.

3. Taking away any woman that hath any goods, or lands, or that is heire apparant to her father, by force with an intent to marry her.

4. Cutting out the tongue or putting out the Eyes of any maliciously.

5. Burglarie, which is the breaking of any dwelling house, Church or gates of a Citty by night with intent to steale, kill, or to commit any other felony in the house, Church, or Citty.

6. The breaking of any dwelling house in the day time, and

The Iudgement for all these Felonies of death is to be hanged.

stealing

*Lat. 3 H. 7. cap. 2
ast. Felony. 8.
e. marrying on
refiling.*

The Offences.

stealing any thing out of it that exceedeth the value of 12.d.

7. The robbing of a stall in a Faire or Market, and stealing any thing out of it that exceeds the value of 12.d.

8. Robbery which is the taking of any thing feloniously in or neare the high way from the person of any whereby hee is put in feare.

9. Cutpursses which feloniously take any thing above the value of 12.d. privily from the person of any.

10. Stealing of any goods or Cattell in the fields, or elsewhere above the value of 12.d.

11. Rescuing of felons which are arrested for suspicion of felony.

12. Breaking of prison by such as are committed for felony.

13. Voluntary escapes suffered by Gaolers, Constables, and such other persons as suffer any that is in their custody for suspicion of felony to escape.

14. Forging of false deeds by any after he hath been once convicted of forgerie.

15. Taking distresses for debt, breach of promise, covenant, or such like, where no distresse lyeth by the law.

16. Taking of meat & drinke against the will of the owner.

17. Taking of Cuddyes and Coyney.

18. The servant running away with his masters goods which were delivered unto him.

19. Conjuraton or Invo-

The Punishments.

The Iudgement for all these Felonies of death is to be changed.

cation

The Offences.

cation of evill spirits to any intent whatsoever.

20. Witchcraft and forcerie whereby any is killed or whereby any shall be hurt in body or goods the second time.

21. Marrying of a second wife or husband the former being alive.

22. Buggarie with man or beast.

23. Purveyors that take up mens goods without warrant or contrary to the statutes concerning Purveyors.

24. Acknowledging a Iudgement, Recognisance, statute, Fine, Recovery, or baile in the name of another without his privitie.

25. Stealing, or taking up any reclaimed Hawke concealing it, and not bringing it to the Sheriffe to be proclaimed.

26. Multiplying of gold or silver.

27. Hunting by night in any Parke or Warren with vizards or painted faces, and not confessing the same upon examination before a Iustice of peace.

28. Souldiers departing from their Captaine without licence after they have received pay.

29. Masons assembling to breake the effect of the statutes of Labourers.

30. Bringing into this kingdome any summons, proceffe, or excommunication against any person for executing the statute of provisions.

31. Gaolers causing their prisoners by duresse to become ap-

The Punishments.

The Iudgement for all these Felonies of death is to be hanged.

The Offences.

provers, that is, to appeale others falsely.

32. The procuring of felonies or relieving of felons by receiving the stolne goods, or otherwise knowing of the felony.

Secondly, Felonies not of death, viz.

1. Manslaughter in ones own defence.

2. Manslaughter by misfortune.

3. Pettie Larceny under the value of 12.d. in a man, and under 10.s. in a woman.

The Punishments.

The Iudgement for all these Felonies of death is to bee hanged.

1. The punishment of these two felonies of Manslaughter in ones owne defence, and manslaughter by misfortune, is only the forfeiture of goods and chattels, and the offendour is to sue forth his pardon of course.

2. The punishment of pettie Larceny is forfeiture of goods and chattels, and whipping or imprisonment at the discretion of the Iudge, if it be under 12.d. & for women if it exceed 12.d. and be under 10.s. to be burnt in the hand, whipped, and imprisoned at the discretion of the Iustices, so as it exceed not a yeare.

Thirdly, of Misprisions, which are of three sorts, that is,

1. Of Treason.

2. Of Felony.

3. Other Misprisions.

First, of Treason, viz.

1. Concealement of Treason after knowledge of the same.

2. Counterfeiting of forraigne coyne not currant in this Kingdome.

1. The punishment of these Misprisions of Treason is forfeiture of goods & chattels and the profits of lands during the life of the offendour, and perpetuall imprisonment.

3. The

*The Offences.**The Punishments.*

3. The uttering of false money made within this kingdom, knowing it to be false and counterfeit.

1. The punishment of these Misprisions of Treason is forfeiture of goods & chattels and the profits of lands during the life of the offender, and perpetuall imprisonment.

Secondly, of Felony, viz.

1. Concealing of any felony, and not revealing it to some magistrate speedily after notice had of it.

1. The punishment of Misprison of felony is by fyne and ransom, and imprisonment at the discretion of the Iudge.

Thirdly, other Misprisions, viz.

1. Offering to strike any Iustice sitting in Iudgement.

1. The punishment for offering to strike a Iustice sitting in Iudgement, or a Iuror in presence of the Iustice is forfeiture of lands, goods and Chattels, losse of his right hand, and perpetuall imprisonment.

2. Striking a Iuror in presence of the Iustices.

2. The punishment of striking of a Knight, &c. by one of meane qualitie in ancient time was the losse of his hand, but now it is used to be but fyne and imprisonment, and bonds of the good behaviour.

3. Striking of a Knight, or man of honor by any person of meane quality.

3. Rescuing of a prisoner arrested by any of the Kings Iustices sitting in Iudgement.

4. Rescuing of a prisoner arrested by any of the Kings Iustices sitting in Iudgement.

4. The punishment of all these offences of *Premunire* is forfeiture of lands, goods & chattels, and perpetuall imprisonment.

Fourthly, of Premuniries, which be of two sorts, viz. the one the extolling of forraigne Iurisdiction; the other for prosecuting of causes in the Ecclesiasticall Courts which are meere lay causes, &c.

1. Exercising of forraigne authority or Iurisdiction in causes Ecclesiasticall.

2. Main-

The Offences.

The Punishments.

2. Maintaining or publishing by word or writing that the Bishop of Rome hath or ought to have any authority or Iurisdiction within the Kings Dominions the second offence is a *Pramunire*.

3. The purchasing of any provision, Bull or other proceffe from the Court of Rome.

4. The obeying of any such proceffe procured from the Court of Rome.

5. The prosecuting of any lay cause in any Ecclesiasticall court which originally belongeth to the Kings temporall Courts.

The punishment of all these offences of *Pramunire* is forfeiture of lands, goods & chattels, and perpetuall imprisonment.

Fifthly, Finable Offences, which are either of

1. Force.
2. Fraud.
3. Omission, or
4. Other abuses.

First, Finable offences of Force, viz.

1. Riots, Routs, and unlawfull assemblies.

2. Forcible Entries and forcible detainers.

3. Assaults, Batteries, bloodsheds, Maihems, and all other Trespasses in lands and wrongfull taking of goods.

1 For great Riots a great Fyne and a yeares imprisonment at the least; For small Riots, Routs, and unlawfull assemblies, besides the Fine, imprisonment in discretion. *13.H.4. cap.7.*

2 Fyne, ransom, and imprisonment, and restitution of possession, *15.R.2.ca.2.8.H.6.ca.9. & 10.Caroli ca.16.*

3 Fyne and imprisonment at the discretion of the Iudge.

The Offences.	The punishments.
4. Rescuing of distresses and pound breaches.	4 Fine and imprisonment at the discretion of the Iudge.
5. Riding or going armed in <i>terrorem populi</i> .	5 Imprisonment and forfeiture of the Armour. 2.E.3.c.3.7.R.2. ca.13. 20.R.2.ca.1.
6. Lying in waite to kill or maihem.	6 Fine and imprisonment, and bonds of the good behaviour.
<i>Secondly, Offences of fraud and deceit, viz.</i>	
1. Extortions and oppressions by officers in taking more Fees then are due, or in exacting Fees where none are due.	1 Fyne and imprisonment during pleasure.
2. Extortions and oppressions in Land-lords and their servants in exacting of an Irish pretended duty called Loghtavy upon their Tenants.	2 The like punishment.
3. Escheators taking above xl.s. for an office.	3 To forfeit 40.l.27.H.6.ca.17.
4. Sheriffes, undersheriffes, and their Clerkes entring of plaints in the County Court without notice of the plaintiffe or dividing one contract or Trespasse into severall plaints.	4 Fyne and imprisonment
5. Sheriffes levying the Kings debt without shewing the party the Estreats under the seale of the Exchequer.	5 Fyne to the King, treble damage to the partie. 42.E.3.ca.9. & 7.H.4.ca.3.
6. Sheriffes or Gaolers that have denied to receive felons, or that take any thing for the receiving of them.	6 Fyne and imprisonment, 4.E.3.ca.10.
7. Coroners that exact more Fees for taking an Inquisition upon the view of a body murdered or killed then 13. s. 4. d. which is to be paid of the goods of the offendour, or of the Township where the offence was committed in the day time if the offendor have escaped.	7 Forfeiture of 5 l.3.H.7.ca.1.

The Offences.

The Punishments.

8. Ordinaries or their officers which take more Fees for the probate of Testaments & granting of letters of administration then is appointed for them to take by the statute in that case provided.

9. Clerkes of the peace that take above 12. d. for the enrolling of a bargaine, and sale where the land doth not exceed xl. s. per annum, and where exceedeth that summe 1 s. 6. d.

10. Clerke of the Market that taketh any bribe to dispence with offences, or tarryeth any longer in the countrey then the necessity of the businesse requireth.

11. Mayors and chiefe officers of townes and corporations that take excessive Fees for sealing of measures & waights.

12. Purveyors that take any Bribe to spare any man, or take corn by any other measure then the striked bushell, or take carriages without readie payment.

13. Jurors that take any thing to make their presentments favourable.

14. If any have gotten into his possession any money or other goods by any false token or counterfeit letter.

15. Packing of fish deceitfully, and mixing small fish with the countable fish.

16. Cowpers that make vessel for Beare or Ale of unreasonable Timber.

17. Millers that take Toll by the heape.

8 Forfeiture of 10. l. 1. M. 8. H. 8. cap. 18. in Hibernia.

9 Fyne and imprisonment. 10. Caroli, cap. 1. in Ireland.

10 Fyne and imprisonment.

11 Forfeiture of 40. s. 7. H. 7. c. 3.

12 Two yeares imprisonment, treble damage and ransome, 15. E. 3. cap. 1. 36. E. 3. c. 3. & 1. H. 5. cap. 10.

13 Imprisonment and ransome, 5. E. 3. c. 10. & 34. E. 3. c. 8. & 38. E. 3. cap. 1. decies tantum. and if he have not to pay a yeares imprisonment.

14 Great fyne and to be bound to the good behaviour.

15 Forfeiture for every vessell 6. s. 8. d. 22. E. 4. ca. 2.

16 Fyne and imprisonment.

17 Fyne and imprisonment, 3. E. 1. p. Toll 2.

LII 2

18. Main.

Articles to be enquired of by the Grand-Jury, &c.

The Offences.

The Punishments.

18. Maintenance of suits in Courts, and quarrels in the Countre and Champerties.

19. Subornation of perjurie.

20. Perjurie.

21. Forestallers, Regrators, and Ingrossers of Come and other things.

22. Forgerie, and publishing of forged deeds and writings.

23. Using of false weights and measures.

18. Fyne and imprisonment. 1. E. 3. ca. 14. & 1. R. 2. ca. 5.

19. Forfeiture of 40. l. and if the offender be not worth so much halfe a yeares imprisonment, and to stand upon the pillory, and his testimony for ever to be disabled. 28. El. ca. 1. in Ireland.

20. Forfeiture of 20. l. six months imprisonment, and if the offender have no goods to the value, to be set upon the pillory, and both his Eares nayled to the same, and his testimony to bee disallowed forever. 28. El. ca. 1. in Ireland.

21. The Forestallers for the first offence are to forfeit the thing bought or the value of it, and also to be amerced; for the second, to be set upon the Pillorie; for the third, to be imprisoned and ransomed, for the fourth, to abjure the towne, by the Statute of 31. Ed. 1. *Rastall, Forestallers* 1. And for the Regrators and Ingrossers they are to be punished onely by Fyne and imprisonment as for a Misdemeanor at the Common law.

22. To be punished by Fyne and imprisonment as for a misdemeanor at the Common Law; for Iustices of peace have not power to inflict the punishment ordained by the Statute of 28. El. ca. 4. but that is to be inflicted by the Iustices of Assize, or in the Kings Bench.

Fyne and ransome. 9. H. 6. cap. 8.

24. Breaking

The Offences.	The Punishments.
24. Breaking of the Assise of bread and drinke.	24 The first, second, and third offence amerceament, the fourth the pillory for the man, and Tumbrell for the woman Baker, and the Tunibrell for the Brewer. <i>51. H. 3. Rastal, weights 2.</i>
25. Selling or setting to sale any manner of unwholsome or corrupt meat or drinke.	25 Fyne and imprisonment.
26. Artificers, as Tanners, Shoemakers, Clothiers, Dyers, and all other Tradesmen, making of their manufactures or using of their Trade deceitfully.	26 Fyne and Imprisonment.
27. Goldsmiths working of base mettall, or using any other deceit in their Trade.	27 To forfeit the value of the thing wrought, and for gilding upon base mettall 10. times the value. <i>2. H. 5. ca. 4. and 8. H. 5. c. 3.</i>
28. Embracery of Iurors.	28 To forfeit ten times as much as was given by way of embracery and imprisonment. <i>5. E. 3. cap. 10.</i>
29. Bribery and corruption in officers, or ministers of Iustice.	29 Fyne and imprisonment.
30. Conspiracies in Tradesmen, Labourers and servants not to worke at the rates published by the Iustices of peace.	30 Fyne and imprisonment.
31. Conspiracies by colour of Iustice to take away any mans life maliciously without cause.	31 The villanous judgement, <i>viz.</i> imprisonment during life, the offenders testimony to be rejected, his house to be razed, his meadowes ploughed, and his woods to be rooted up.
32. All other false and deceitfull practises tending any way to the prejudice of the common wealth or perverting of Iustice.	32 Fyne and imprisonment, and bonds of the Court.

Thirdly,

The Offences.

The Punishments.

Thirdly, Offences of Omission, viz.

1. Constables not setting forth, nor pursuing Hue and Cry after felons and Traitors.

2. Constables not apprehending and punishing of Rogues and sturdy beggars and others that begge without licence, or having licences begge out of their limits appointed for them to begge in.

3. Constables not setting the watch, or not endeavouring to part an affray.

4. Constables not making search for idle and suspected persons, and common gamesters that live idly and expensively having no means to maintain themselves.

5. Constables that neglect or refuse to search for or apprehend felons or Traitors upon request or notice given them.

6. Constables, and all other officers that refuse or neglect to execute the warrants of any Justice of peace directed to them.

7. Such persons as will not follow Hue and Cry at the Constables command.

8. Such persons as will not assist the Constable to make search for and apprehend Felons or Traitors, and other suspected persons, and to convey prisoners to the gaole or before a Justice of peace.

9. Such persons as refuse or neglect to keepe watch when they are required by the Constable.

1 Fyne and imprisonment. 13. E.1.ca.1. & 2. Statute de Winchester.

2 Fyne and imprisonment. 33. H.8.ca.15. in Ireland.

3 Fyne and imprisonment, by 5.Ed.4.ca.5. the fyne is to be 3.d. for every day.

4 Fyne and imprisonment.

5 Fyne and imprisonment.

6 Fyne and imprisonment.

7 Fyne and imprisonment, by the statute of Winchester, 13.Ed. 1.ca.1. & 2.

8 Fyne and imprisonment.

9 Fyne and imprisonment.

The Offences.		The Punishments.
10. Such Townships as suffer sturdy beggers, Rogues and Vagabonds to passe without punishment.	10	For every impotent begger 3.s.4.d. and for every sturdy begger 6.s.8.d. forfeiture.
11. Such Townships as have not stocks & common pounds.	11	Fyne.
12. Such servants, Artificers, and labourers as refuse to serve, worke, or labour at the wages rated by the Iustices of peace or that shall take more wages then according to the rates published by the Iustices of peace.	12	Forfeiture of so much as they take above the rate, and imprisonment at the discretion of the Iustice of peace. 33. H.8.ca.9. in Ireland.
13. All such as are Idlers and will not labour at all, and yet have nothing to maintaine themselves.	13	Imprisonment untill they finde sureties to labour, or be of good behaviour.
14. All defects of Bridges, Causeyes and high-waies.	14	Fyne.
15. The neglect of Churchwardens and Constables in not choosing Surveyors for the high-ways.	15	Fyne and imprisonment according to the statute of 11. Iacobi ca. 7. in Ireland.
16. The neglect of the Surveyors of high-ways in not executing that office as they ought to doe.	16	Forfeiture of 10. l. by the statute of 21. Iacobi ca. 7.
17. The neglect of such as do not labour six dayes at the appointment of the Surveyors for the amending of high-ways according to the statute in that case provided.	17	Forfeiture of 20.s. for default of every wayne or Cart with two men to be sent by everyone that hath 5.l. in goods or 40.s. in lands for every day, and for Cottiers and such as have no Cart 2.s. every day, by the said statute of 11. Iacob. ca. 7.
18. The neglect of such as doe not scowre their ditches, nor cut their paces, by reason whereof the highwayes are impayred.	18	20.l. forfeiture, per 11. Iacob. ca. 7. in Ireland.
19. The neglect of all officers whatsoever, whereby the Commonwealth receiveth any prejudice.	19	Fyne and Imprisonment.

The Offences.	The Punishments.
20. The neglect of repairing to the Church to heare divine Service upon Sundayes and Holy-dayes.	20 For every Sunday or Holy-day 12.d. 1.El.ca.2. in Ireland.
21. Such persons as shall refuse to be assistant to the Iustices of peace Commissioners, Sheriffe, or Undersheriffe when they shall be required to ayde them to arrest the offenders of riots, routs & unlawfull assemblies.	21 Fyne and imprisonment.
22. Ordinaries, not giving an oath to Incumbents to keepe Schooles in their parishes to teach English.	22 To forfeit for every offence 3.l.6.s.8.d. 28.H.8.ca.15. in Ireland.
23. Incumbents not keeping Schooles in their parishes to teach English.	23 To forfeite for the first time 6.s.8.d. for the second 20.s. and for the third time to loose their benefices. 28.H.8.ca.15. in Ireland.
Fourthly, Other abuses and enormities, viz:	
1. Prophaning of the Sabbath by keeping Faires and markets, by manuell labour, by playes and haunting Tavernes and Ale-houses upon the Sabbath day.	1 Imprisonment and to bee bound to the good behaviour.
2. Keeping of Fayres or Markets in Churches or Church-yards.	2 Fyne and imprisonment, 13. E.1. Statute de Winton.
3. Depraving the booke of Common prayer by words or by writing or using any other common prayer, or administration of Sacraments then is prescribed in that booke.	3 For the first offence the profits of all the offenders spiritual promotions and six months imprisonment, for the second offence deprivation & a yeares imprisonment; for the third time imprisonment during life, and deprivation in spiritual persons, For lay persons for the first offence a yeares imprisonment, for the second offence imprisonment during life. 2.El.ca.2. in Ireland. 4. Di-

The Offences.	The Punishments.
4. Disturbing the Minister in execution of his function according to that booke.	4 To forfeit for the first offence 100. markes or six months imprisonment; For the second offence 400. markes or 12. months imprisonment. For the third offence all his goods and chattels, and imprisonment during life. 2. <i>El. ca. 2.</i> in Ireland.
5. Cursing and swearing.	5 For every time 12. d. 10. <i>Caroli, cap. 1.</i> in Ireland.
6. Common turbulent drunkards.	6 Imprisonment, Fyne, and bonds for the good behaviour.
7. Common Adulterers.	7 Imprisonment, and bonds for the good behaviour.
8. Keepers of common Bawdie-houses, and such as frequent them.	8 Imprisonment, Fyne, and Bonds for the good behaviour.
9. Keepers of common gaming houses and common gamesters.	9 Imprisonment, Fyne, and Bonds for the good behaviour.
10. Alehouse-keepers that keepe disorder in their houses.	10 Imprisonment, Fyne, and Bonds of the good behaviour.
11. The killing of yong Spawne and Frie of Samon and Eeles.	11 Forfeiture of 40. s. and of the Nets and Engines. 10. <i>Caroli ca. 14.</i> in Ireland.
12. The taking away of yong women under the age of fixteene yeares, or marrying of them without the consent of their parents or Tutors.	12 Imprisonment by the space of two yeares, and if the offender shall marry her, imprisonment by the space of five yeares 10. <i>Caroli, ca. 17.</i> in Ireland.
13. Plowing by the Taile, and pulling the wooll off living sheepe.	13 Fyne and imprisonment, 11. <i>Caroli ca. 15.</i> in Ireland.
14. Burning of Corne in the Straw.	14 Fyne and imprisonment, 11. <i>Car. ca. 17.</i> in Ireland.
15. Coughering and idle wandering.	15 Imprisonment and bonds of loyaltie or of the good behaviour at the discretion of the Iustices of Peace, 11. <i>Caroli ca. 16.</i> in Ireland.
16. Selling of Wine, Ale or any other liquor within any Citty or Towne Franchised by measures not sealed.	16 Forfeiture 10. s. 28. <i>H. 6. ca. 3.</i> in Ireland.

The Offences.	The Punishments.
17. Wearing of Irish apparel and not using the English habite and language.	17 For every Lord Spirituall and Temporall 6.l. 13.s. 4.d. For every Knight and Squire 40.s. For every Gentleman or Merchant 20.s. For every Freeholder and yeoman 10.s. For every Husbandman 6.s. 8.d. And for all others 3.s. 4.d. for every offence, 28.H.8.cap.15. in Ireland.
18. Leasing of Corne in harvest by such as are able to labour, and permitting of it by the owners.	18 For every time offending to loose the Corne and to forfeit 12.d. and the owner of the field that willingly shall suffer such leazers to forfeit for every time 12.d. 28.H.8.ca.24. in Ireland.
19. Such as keepe Inmates in harvest that leaze Corne.	19 Forfeiture 6.s. 8.d. 28.H.8.ca.24. in Ireland.
20. The rescuing of Swine kept upon any Strand, where the Sea doth ebbe and flow, from him that shall sease upon them as forfeit.	20 Fyne and imprisonment, 11.El.ca.3. in Ireland.
21. Laying of Hempe, Flax, or lymed Hydes in any fresh river.	21 Forfeiture of the Hempe, Flax & Hydes, or the treble value of the same, 11.El.ca.5. in Ireland.
22. Stopping or straightning of any common way.	22 Fyne and imprisonment.
23. Stopping or diverting of any water-courfe, whereby any common way or passage is annoyed.	23 Fyne and imprisonment.
24. Casting of dung or any other thing into any common street or way, which doth in any sort annoy the passage.	24 Fyne and imprisonment.
25. The buying of Hydes, Fels, Chequers, Flegs, Yarne, Linnen cloath, wooll and Flocks by Gray Merchants to sell againe, in any other place but in Market or Fayre.	25 To be punished as a Forestaller, <i>vide supra</i> , Forestaller, 33.H.8.ca.2. in Ireland.
26. Sheriffes letting their Bailiwicke to Farme.	26 Forfeiture 40.l. 23.H.6.ca.10.

27. Sheriffes

*The Offences.**The Punishments.*

27. Sheriffes refusing to let men to baile that are baileable.

27

To forfeit 40.l. to the King and treble damage to the party.

23. H. 6. ca. 10.

28. Sheriffes levying Fynes or amerciaments by reason of any indictment or presentment in his Turne Court without processe from the Iustices of peace, or that have not brought in such presentments or indictments to the next generall Sessions of the Peace.

28

To forfeit 40.l. 1. E. 4. ca. 2.

29. Undersheriffes, Bailiffes of liberties, and others that take upon them to retorne panels or Talles, or medle with the execution of processe before they take the oath for the true execution of their offices according to the statute of 10. Caroli.

29

To be fined to the King in 40.l. and pay treble damages to the party grieved. 10. Caroli ca. 18. in Ireland.

30. Undersheriffes, Bailiffes, and others that doe any thing contrary to the said oath.

30

Fyne to the King 40.l. treble damages to the party grieved. 10. Caroli ca. 18. in Ireland.

31. Purveyors that take any thing of the value of 40. s. or under, without making ready payment.

31

To forfeit the value to the partie, and loose his office. 2. H. 4. ca. 14.

32. Artificers, Labourers or lay men that have not lands worth 40. s. *per annum*, nor priests that have not 10. l. *per annum* that shal keep any Greyhound or other Dog to hunt, or use any Ferrers, Nets, or other Engines to kill Dzere, Hares, or Conyes.

32

A yeares imprisonment. 13. R. 2. ca. 13.

33. Constables that have not given assistance to the owners of goods to resist Purveyors that take goods under the value of 40. s. without paying for the same; and any of the Kings officers that have procured any to be arrested or vexed for such resistance.

33

Forfeit of 20.l. by the officer of the King, and the Constable the value of the thing, and double damage to the party. 20. H. 6. ca. 8.

The Offences.

The punishments.

34. If any man have raised Huy and Cry without cause, or being raised upon good cause have not pursued to arrest felons, Traitors, or such as have dangerously hurt any man, or if the Sheriffe, or any of his bailiffes, have not followed such Huy and Cry with horse and Armour.

34

Fyne and imprisonment.

35. If any person arrested or imprisoned for felony or Treason have by negligence beene suffered to escape.

35

Fyne and imprisonment.

36. Giving Liveries and retaining of those which are not household servants.

36

Imprisonment, Fine, and ransom, the retainer to loose 5.l. and the party retained likewise to loose 5.l. for each moneth.

1.R.2.ca.7. 16.R.2.ca.4. 20.R.2.ca.1. & 2. 1.H.4.c.7. 7.H.4.ca.14.

37. If any person having store of Corne of his owne doe buy Corne in the market.

37

Fyne and imprisonment as a Regrator. 8.Ed.4.ca.2. in Ireland.

38. If any Butcher, Fishmonger, Lane-holder, or other seller of victuals have not sold the same at reasonable prices, and for moderate gaine.

38

To loose the double value of that they received. 23.E.3.ca.6.

39. Tile-makers that have not digged and cast up earth till after the first of November and have not turned it untill after the first of Februarie, or if hee have wrought it before the first of March.

39

To loose the double value. 17.Ed.4.ca.4.

40. Tile-makers that make or any person that putteth to sale any plaine Tile under Ten Inches and a halfe in length, six inches and a quarter in breadth, and halfe an Inch and a quarter in thickenesse, or any Rooffe Tyle under 13. Inches in length and halfe an Inch and halfe a

40

For every hundred of plaine Tile 5.s. for every hundred of Rooffe tile 6.s. 8.d. and for every hundred of Gutter tile. 2.s. 17.Ed.4.ca.4.

The Offences.

The Punishments.

quarter in thicknesse with convenient deepnesse, or any Gutter Tile under ten Inches and a halfe in length with convenient thicknesse, breadth and depth.

41. If any searchers appointed for the oversight of the true making of Tile have not done their endeavour and diligence in that behalfe.

42. Disturbing the execution of the statute against Rogues and sturdy beggers, &c.

43. Sheriffes that doe not appoint foure deputies at the least to make Replevins not twelve miles distant one from another.

44. Gaolers taking fees of Servants, Artificers or Labourers that refuse to serve.

45. Libellers and raisers of scandals upon Magistrates and Ministers of Iustice, and such like.

46. Common Baretters, Eveldroppers, and sowers of disention amongst neighbours.

47. Spreaders of false newes.

48. Common scolds.

49. Keeping Dogges accustomed to kill sheepe.

50. Extolling of forraigne Iurisdiction in this Realme.

For every hundred of plaine Tile 5.s. for every hundred of Roofe tile 6.s. 8.d. and for every hundred of Gutter tile 2.s. 17.Ed.4.ca.4.

41 For every default 10.s. 17.E. 4.cap.4.

42 Forfeiture of 5.l. 33.H.8.ca. 15. in Ireland.

43 Forfeiture of 5.l. 10.Carol.ca. 15. in Ireland.

44 Forfeiture of 10. l. to the King, and 5.l. to the partie.

45 To be bound to the good behaviour, and to bee fined and imprisoned.

46 Fyne and imprisonment, and bonds of the good behaviour.

47 Imprisonment untill the offender produce his author, and if he cannot produce an author then to be punished at the discretion of the court. W.1.ca.33. 2.R.2.ca.3. & 12.R.2.ca.11.

48 To be put on the Cocking-stoole.

49 Fyne and imprisonment.

50 Forfeiture of all the offenders goods & chattels, and if he have not goods to the value of 20. l. then besides the forfeiture, a yeares imprisonment without baile, &c. 2.El.ca.1. in Ireland.

51. Hearing



I

SEVERALL
PRESIDENTS
COMPREHENDED

under these five heads,

viz.

1. Of Treasons.
2. Of Felonies.
3. Of Misprisions.
4. Of Præmunires.
5. Of Finable Offences.

The Finable Offences being many, and of severall kindes,
are divided into these foure parts, *viz.*

1. Of Force.
2. Of Fraud.
3. Of Omission.
4. Of other Abuses.

Also upon the Margent of every Indictment you shall finde
a brieft note of the Iudgement that is to be given
upon every such Indictment.

These Presidents doe not only concerne the exercise of
the office of Clerkes of the Peace in the severall Counties of
Ireland, but also the exercise of the offices of the Clerkes of
the Crowne of the severall Circuits, and the Clerke of the
Crowne in the Court of Chiefe place, commonly called the
Kings Bench.

Συμ Γυλιέλμυ Βολδ

Αρχιεπί





1. The Indictments of Treason of severall sorts.

1. The Indictment and whole Record of the attainder of Connor o Devenne of Treason for counselling and adhering to Rebels.

Downe s. **M**emorandum quod alias scilicet per quandam Inqui- Hillarii 9. Ia-
sitionem captam apud *Newry* in prædicto Com. cobi rot. primo
Downe, decimo quinto die Ianuarij Anno regni Domini Iacobi nunc in Capitali
Regis Angliæ, Franciæ & Hiberniæ, &c. nono, & Scotiæ quadra- placea Hib.
gesimo quinto, coram *Iacobo Hamilton* mil. *Fulcone Conway* mil.
Arthuro Magness mil. *Hugone Mountgomery* mil. *Iobanne Wal-*
ker Ar. Attorn. dict. Dom. Regis provinciæ suæ Ultoniæ, *Arthuro*
Hawkes Ar. & *Marmaduco Whitchurch* Iustic. & Cōmiss. dicti Dō.
Regis assignat. & legitime authorisat. virtute Commissionis ejusdem
Domini Regis sub magno sigillo suo Hiberniæ eis direct. geren. dar.
apud Dublin. decimo sexto die Decembris, Anno regni dicti Dom.
Regis Angliæ, Franciæ & Hiberniæ nono, & Scotiæ quadregesimo
quinto supradict. ad inquirend'. per sacrament. probor. & legalium
hominum de prædict. Com. *Downe*, de omnibus & singulis proditiō.
murdr. homicid. incend. illicit. assemblation. felon. rober. oppressio-
nibus, transgressionibus, criminibus, contempt. offenc. malefactis &
causis quibuscunque, tam contra pacem & communem legem dicti
Domini regis vel aliquorum progenitor. dicti Dom. regis, quam con-
tra formam alicujus statuti, Actus, ordination. sive provis. antehac
fact. edit. ordinat. sive confirmat. per quemcunque sive quoscunque,
infra hoc regnum Hiberniæ, vel extra limites ejusdem in partibus
ultra mare, aliquo modo fact. commiss. sive perpetrat. aut imposte-
rum faciend. committend. sive perpetrand. eaque omnia audiend. ex-
aminand. discutiend. & exequend. (prout per eandem Commiss. ple-
niùs liquet & apparet.) per sacram. duodecim proborum & legalium
hominum Com. *Downe* prædict. compertum existit, quod cum *Hugo*
nuper Comes *Tyrone*, & *Brianus Mc Art o Neale* cum diversis alijs
nequissimis & sceleratissimis proditoribus Domini Elizabethæ nu-
per Regiæ Angliæ, Franc. & Hiberniæ, Deum præ oculis suis non
habentes, nec debitum ligeautiæ suæ erga eandem nuper Reginam
considerant, sed instigatione diabolica totaliter seducti, primo die Ia-
nuarij, Anno regni ejusdem nuper Regiæ quadregesimo quarto, &
diversis alijs diebus & vicibus tunc præantea, ut falsi proditores &
rebella-

rebellatores ipsius nuper Reginae, seipfos apud *Downe* in Com. *Downe* praedict. & ad diversa alia loca in eodem Com. proditorie congregaverunt, & ad tunc & ibidem, falso & proditorie conspiraverunt, imaginaverunt, & inter se proposuerunt praefatam nuper Regiam Elizabetham de tunc regia potestate & gubernatione suis hujus tunc regni sui Hiberniae penitus deprivare & deponere, ac gubernationem ejusdem tunc regni sui, contra voluntatem ipsius nuper Reginae, super seipfos sumere & accipere, & penes eos detinere, Ac ad illud falsum proditorium & sceleratissimum propositum suum prosequend. promovend. & perimplend. praedicti *Hugo* nuper Comes *Tyrone*, & *Brianus Mc. Art. o Neale*, simul cum praedictis alijs nequissimis & sceleratissimis dict. nuper Reginae proditoribus, die & anno supradictis, apud *Downe* praedict. in praedict. Com. *Downe*, & apud diversa alia loca in eodem Com. *Downe*, cum diversis armamentis bellicis, viz. scutis, lanceis, jaculis, gladijs, bombardis & alijs armis tam offensivis quam defensivis, seipfos proditorie armaverunt & muniverunt, & sic modo guerrino arraiati & armati voluntarie, illicitè, & proditorie insurrexerunt, & diversos ligeos praedict. nuper Reginae ad rebellionem contra eandem nuper Regiam, ad tunc & ibidem, proditorie moverunt & incitaverunt, ac guerram publicam & crudele bellum contra dictam nuper Regiam, & fideles subditos suos in dict. Com. *Downe* tunc existen. die & anno supradict. & diversis alijs diebus & vicibus antea, apud *Downe* praedict. in praed. Com. *Downe*, & apud diversa alia loca infra eund. Com. *Downe*, vi & armis praed. falso, proditorie, & sceleratissime levaverunt, crexerunt, & manutenuerunt, ac diversos ligeos & fideles subditos dict. nuper Reginae tunc ibidem existen. in pace dei & ejusdem nuper Reginae, voluntarie, felonice, proditorie, & ex malitijs suis praecogitat. murtheraverunt & trucidarunt; Ac diversa bona & catalla dictorum fidelium subditorum praefatae nuper Reginae de eisdem subditis ad tunc & ibidem felonice depraedaverunt, ceper. asportaver. & abduxerunt, Necnon diversa domos, grana, frument. & segetes eorundem fidelium subditorum praefatae nuper Reginae, ad tunc & ibidem, voluntarie, malitiose, & proditorie combusser. & incendijs penitus devastaverunt; Et alia quamplurima nefanda & sceleratissima facinora & acta rebellionum contra praefatam nuper Regiam, ad tunc & ibidem, voluntarie, malitiose, & proditorie commiserunt & perpetraverunt, contra pacem praedict. nuper Reginae, coronam & dignitatem suas, ac contra formam diversorum statutorum ad tunc & adhuc in pleno vigore in hoc tunc regno suo Hiberniae existen. in hujusmodi casu edit. & provis. Quidam tamen *Connoghor O Devenne* nuper de *Downe* in praedict. Com. *Downe* Clericus Deum pra oculis suis tunc non habens, nec debitum ligantiae suae erga dictam Dominam nuper Regiam Elizabetham, tunc supremam Dominam & indubitatam regiam hujus regni Hiberniae considerans, sed instigatione diabolica totaliter seductus, praedict. primo die Januarij, Anno regni ejusdem nuper Reginae Angliae, Franciae,

Franciæ, & Hiberniæ quadragesimo quarto supradict. & diversis alijs diebus & vicibus ante eundem diem, & ante prædictas seperales prodiciones per præfatos *Hugonem* nuper Comitem *Tyrone*, & *Brianum Mc. Art. O Neale*, & prædictos alios sceleratissimos proditores in forma supradict. commiss. & perpetrat. apud *Downe* prædict. in prædicto Com. *Downe* & apud diversa alia loca in eod. Com. *Downe*, ut falsus proditor prædictæ nuper Reginæ Elizabethæ, proditorie consuluit, abbetavit, & confortavit prædictum *Hugonem* nuper Comitem *Tyrone*, prædictum *Brianum Mc. Art. O Neale* & prædictos alios sceleratissimos proditores ad prodiciones prædictas in forma supradicta perpetrand. & committend. ac dictis temporibus & locis prodicionum illar. sic perpetrat. & commiss. prædictus *Connoghor O Devenne* fuit proditorie præsens cum prædict. *Hugone* nuper Comit. *Tyrone* & prædictis alijs sceleratissimis proditoribus, & dictis proditoribus proditorie consuluit, & proditorie adhæsit eidem nuper Comiti & dictis alijs proditoribus, ac ipsos auxiliatus fuit & manutenuit in executione, commissione & perpetratione prædictarum seperalium prodicionum proditorie, & contra pacem dictæ nuper Reginæ Elizabethæ, coronam & dignitatem suas, & contra formam diversorum statutorum ad tunc & adhuc in pleno vigore suo, in hoc tunc regno suo Hiberniæ existen. in huiusmodi casu nuper edit. & provis. &c. Quod quidem indictamentum Dominus Rex nunc certis de causis nuper venire fecit coram ipso rege hic apud **the Kings Courts** ibidem terminand. Et postea scilicet die veneris prox. post Octab. Sancti Hillarij isto eodem Termino, coram dicto Domino Rege hic apud **the Kings Courts** venit prædictus *Connoghor O Devenne* in propria persona sua sub custodia Constabularij dicti Domini regis Castri sui Dublin (cujus custodiæ idem *Connoghor* occasione præmissa antea commissus fuit) ad barram ductus, super quo instant. de præmissis ei superius imposit. allocutus qualiter se velit inde acquietar. die, quod ipse in nullo est inde culpabilis, & de hoc de bono & malo ponit se super patriam, &c. Ideo fiat inde inter Dominum regem & prædictum *Connoghor O Devenne* Iurat. patriæ, &c. Et super hoc præceptum est vic. quod venire fac. coram Domino Rege apud **the Kings Courts** die Martis prox. post Quindenam Sancti Hillarij xxiiij, &c. Et Iur. exact. ven. qui ad veritatem dicend. electi, triati & jurati dicunt super sacramentum suum quod prædictus *Connoghor O Devenne* est culpabilis de prodicione prædicta, prout per indictamentum prædictum superius supponitur, Et quod bona seu catalla ter. seu tenementa ipsius *Connoghor* nulla, &c. Super quo instanter Serviens dicti Domini Regis ad legem, ac ipsius Domini Regis Attorn. pro eo quod prædictus *Connoghor* de prodicione præd. ei superius imposita convictus est juxta debitam legis formam, petunt versus eundem *Connoghor* iudicium, & executionem superinde, pro eodem Domino rege, habend. Et super hoc vis. & per Curiam hic intellect. omnibus & singulis præmissis,
Confi-

Judgement, to
be hanged,
drawne, and
quartered, for
a man; and for
a woman, to be
burned.

Consideratum est quod idem *Connoghor* ducatur per præfat. Constabular. a barra Curia hic, usque ad dictum Castrum Dublin. & ibidem a cathenis suis libaretur, ac deinde per medium Civitat. Dublin. usque ad furcas ejusdem Civitatis trahatur, & ibidem suspendatur per colum, ac vivens ad terram prosternatur, ac membra sua secreta abscindantur, ac interiora ejus extra ventrem suum capiantur, ipsoque vivente comburantur, & caput ejus amputetur, quodq; corpus ejus in quatuor partes dividatur, & caput & quarteria illa ponantur ubi Dominus Rex ea assignare velit, &c.

2. *Another Indictment of Treason for a Conspiracie to invade the Kingdome.*

Hillarij 9. Jac.
ror. secundo in
Capitali placea
Hib.

Donegall. Juratores pro Domino Rege super sacramentum suum dicunt & præsentant quod *H. T. & R. T. &c.* cum diversis alijs nequissimis & sceleratissimis Dom. Regis nunc proditoribus, Deum præ oculis suis non habentes, nec debitum ligeantia suæ considerantes, sed instigatione diabolica totaliter seducti. tertio die Septembris, Anno Regni Domini Regis nunc Angliæ, Franciæ, & Hiberniæ quinto, apud *Rathmullin* in Com. *Donegall* præd. proditoriè, & ut falsi proditores ejusdem domini regis, imaginaver. intender. et machinat. fuerunt mortem et destructionem ejusdem Domini Regis nunc, et ad tunc et ibidem sibi ipsis proposuerunt eundem Dominum regem nunc de regia potestate sua et gubernatione regni sui Hiberniæ penitus depravare, et gubernationem ejusdem regni, contra voluntatem ejusdem Domini Regis, super seipso accipere, et penes seipso retinere: Et ad illud falsum proditorium et nefandum propositum prosequend. et perimplend. præd. *H. T. & R. T. &c.* cum prædictis alijs sceleratissimis proditoribus ibidem, ad tunc et ibidem proditoriè, ut falsi proditores dicti Domini Regis nunc, intenderunt, imaginaver. et machinati sunt occidere & murdrare prænobilem virum *Arthur. Chichester* Milit. ad tunc & adhuc existen. Dom. Deputat. dicti Domini regis nunc generalem dicti regni sui Hiberniæ, & alios de privato consilio ejusdem domini Regis dicti regni sui Hiberniæ; ac superinde, vi & armis, viz. gladijs, lanceis, bombardis, et alijs machinis et stratagematibus bellicis, oppugnare et in manus suas capere Castrum dicti Domini Regis nunc de Dublin. in Com. Dublin. et Civitat. de Dublin. et Castrum dicti Domini Regis de *Athlone* in Comitatu *Roscoman*, & Castrum sive fortilagium ejusdem Domini Regis de *Doncanora* in Com. *Wexford*. et fortilagium ejusdem Domini Regis de *Lifford* in dict. Com. *Donegall*, et diversa alia Castra et fortilagia, manu forti et proditoriè, et ut Rebellores et proditores dicti Domini regis nunc, contra ipsum Dominum Regem tenere, ea intentione ut dictum Dominum Regem à regno et gubernatione dicti regni sui Hiberniæ penitus depravarent, expellerent, & extratenerent. Et ulterius ad tunc et ibidem proditoriè,

ditoriè, & ut falsi proditores dicti Domini regis nunc, ad tunc & ibidem, conspiraverunt cum prædictis alijs nequissimis proditoribus, & intendebant & machinati sunt magnum & potentem exercitum sive armaturam alienigenar. inimicor. & rebellat. dicti domini regis, in partibus ultra mare ad tunc existen. in hoc regnum Hiberniæ introducere, ea intentione & proposito, ut dicti inimici & rebellatores ejusdem Domini Regis prædictum regnum suum Hiberniæ hostiliter invaderent, depopularent, & forinlicæ potestati subjugarent, & omnes ligeos & fideles subditos dicti Domini regis in dicto Regno suo Hiberniæ crudeliter trucidarent & murrarent, ac eundem Dominum regem à gubernatione dicti regni sui Hiberniæ, & à corona & dignitate suis ejusdem, penitus deponerent & depriverent; Ac prædict. *H.T.* & *R.T.* & prædicti alij falsi proditores & rebellatores dicti Domini regis nunc, in executione nefariar. & sceleratissimar. intentionum suarum prædictarum, prædicta. tertio die Septembris anno supradicto, apud *Rathmullin* prædictam in prædicto Com. *Donegall*, proditoriè, & ut falsi proditores dicti Domini regis, insurrexer. & diversos ligeos & subditos dicti Domini regis ad rebellionem contra dictum Dominum regem, ad tunc & ibidem, mover. & incitaver. ac vi & armis. *viz.* gladijs, lanceis, bombardis, & alijs armis defens. & offens. proditoriè, & ut falsi proditores & rebell. dicti Domini regis, crudele & apertum bellum versus dict. dominum regem nunc, & fideles subditos suos; ad tunc & ibidem, levaver. & diversos fideles subditos ejusdem Domini regis, ad tunc & ibidem in pace Dei & dicti Domini regis, existen. proditoriè, verberaver, vulneraver. deprædaver. & spoliaverunt: Et diversa bona & catalla *Francisci White* gen. et aliorum fidelium subditorum dicti Domini regis, hostiliter, proditoriè, ac ut proditores et rebellatores dicti Domini regis, ad tunc et ibidem ceperunt et asportaverunt; Ac diversa alia latrocinia, roberias, burglarias, ac alia acta rebellion. et prodicionis, ad tunc et ibidem, proditoriè commiserunt et perpetraverunt. Ac quod prædicti *H.T.* et *R.T.* et præd. alij sceleratissimi proditores, in ulteriorem prosecutionem proditor. intentionū suarum prædictar. prædicto tertio die Septembris anno supradicto, apud *Rathmullin* prædict. proditoriè, et ut falsi proditores dicti Domini regis nunc, in quandam navem (quam quidam *Cocombis Mc Gwyre*, falsus proditor ejusdem Domini regis nunc, præantea in partibus ultra mare proditoriè conduxerat, Anglicè *had hyed*, et ad vel propè *Rathmullin* prædictam, in prædicto Com. *Donegall*, adduxerat vel adduci fecerat,) conscender. et à *Rathmullin* prædict. in prædict. Com. *Donegall*, proditoriè, & ut falsi proditores & rebellatores dicti Domini regis nunc, ad tunc & ibidem, abinde in eadem Navi per altum mare fugerunt versus partes transmarinas, ea intentione & proposito, ut magnum & potentem exercitum & armat. diversorum alienigen. inimicorum, & rebell. dicti Domini regis, in partibus ultra mare ad tunc existen. incitarent & levarent, & in hoc regnum Hiberniæ introducerent, ad invadend. regnum dicti

dicti Domini regis Hib. & ibidem crudele & apertum bellum versus eundem Dominum Regem & fideles subditos suos movend. & excitand. & dictum Dominum Regem à regimine & gubernatione ejusdem Regni sui Hiberniæ totaliter removend. & deprivand. contra pacem dicti Domini regis nunc, coronam & dignitatem suas, ac contra formam & effectum diversorum statutorum in hujusmodi casu edit. & provis. Et ulterius iurat. præd. præsentant, quod *Gilpatricke o Loghran*, nuper de *Rathmullin* in prædict. Com. *Donegall* Clericus, Deum præ oculis suis non habens, nec debitum ligeantiae suae considerans, sed consimili instigatione diabolica totaliter seductus, prædicto tertio die Septembris, Anno regni dicti Domini regis nunc Angliæ, Franciæ, & Hiberniæ quinto supradicto, apud *Rathmullin* prædictam in prædicto Comitatu *Donegall*, ut falsus proditor dicti Domini Regis nunc, proditorie fuit præsens, consulens, abbettans, confortans, & manutenens præfat. *H.T. R.T.* & prædictos alios falsos & sceleratissimos proditores ad prodiciones prædictas in forma supramentionat. perpetrand. & committend. & eisdem *H.T. R.T.* & cæteris proditoribus prædictis, ad tunc & ibidem, in prædictis prodicionibus suis & act. rebellionis proditorie adhæsit, ac in prædictam navem simul cum præfato *H.T. R.T.* & cæteris sceleratissimis proditoribus, die & anno supradictis, apud *Rathmullin* prædict. in prædicto Com. *Donegall*, proditorie conscendit, & abinde simul cum eis, in forma quæ supra mentionatur, in navi prædict. per altum mare proditorie fugit versus partes transmarinas, ea intentione ad consulend'. auxiliand'. & manutenend. præfat. *H.T. R.T.* & cæteros sceleratissimos proditores in falsis & nequissimis suis conspirationibus & prodicionibus prædictis machinand. perimplend. & exequend, contra pacem dicti domini regis nunc, coronam & dignitatem suas, ac contra formam & effectum diversorum statutorum in hujusmodi casu edit. & provis. &c.

Judgement, to be hanged, drawne, and quartered, for a man: and for a woman, to be burned.

3. *Another Indictment of Treason for conspiring to surprize the Castle of Dublin, and to murder the Lord Deputy and Councell.*

Pasche 5. Jac. Ror. 17. in Capitali placea Hiberniæ.

Dublin. Juratores pro Domino Rege dicunt & præsentant super sacramentum suum quod *G.H.* de *Dublin* in Com. Civitat. *Dublin.* generosus, & *A.R.* de eadem, simul cum diversis alijs falsis proditoribus & rebellatoribus ad versus excellentissimum principem Iacobum Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regem fidei defensor. &c. Deum præ oculis suis non habentes, sed instigatione diabolica seduct. ac debitum ligeant. suar. minimè ponderant. imaginantes & conspirant. inter se ut falsi proditores ex eor. fals. & proditor. combination. tam duodecimo die Februarij, Anno Regni Domini regis nunc Angliæ, Franciæ & Hiberniæ quarto, quam diversis alijs diebus & vicibus, tam antea quam postea, apud Castrum de

de Dublin. in Com. Dublin. minùs justè & illegitimè sese insimul
 assemblaverunt, & tunc & ibidem, malitiosè, proditorie, & rebel-
 liosè, ut publici proditores & rebellator. dicti domini regis nunc,
 imaginaver. advisaver. compassaver. conspiraver. practizaver. con-
 sultaver. & communicationem & colloquium inter se habuer. ex-
 press. verbis, sermone, actu, & scriptis, quomodo, quo pacto, &
 quibus vijs & modis, per eorum dict. fals. imaginationes, con-
 spiration'. consultation'. confederation'. & communication'. aut
 quibus dolo, arte, & ingenio ill. & eor. confederatores possent
 deponere & deprivare dictum dominum regem à regali coron. sua
 regni sui Hibern. ac etiam falso & proditorie compassaver. & in-
 tenderunt subvertion. dicti regni Hiberniæ: Et ad perimplend. &
 perficiend. sua dicta falsa, nefand. & horribilia proposita iidem
 G.H. & A.R. cum diversis alijs fals. proditor. & rebellator. ad-
 versus dictum Dominum regem nunc, prædicto duodecimo die
 Februarij, anno quarto supradicto, apud Castrum Dublin. præ-
 dict. malitiosè, falsè, & proditorie devisaver. & practizaver.
 quomodo ipsi surprizare, capere, & obtinere possent, vi & ar-
 mis, à dicto Domino Rege, dictum Castrum sive fortilagium
 suum de Dublin. (communiter vocat. **the Castle of Dublin**)
 in prædicto Com. Dublin. simul cum omnibus suis bombard.
 armis, armatur. munition. & victual. tunc in eodem Castro ex-
 isten. pro meliori sustentation. & defension. exercit. dicti Do-
 mini Regis tam in eodem fortilagio, quam alibi infra dictum
 regnum Hiberniæ, pro defensione status Coronæ Regalis regni
 Hiberniæ prædict. ac Castrum sive fortilagium prædictum simul
 cum omnibus & singulis bombard. armis, armatur. munition. et
 victual. prædict. ex eorum dict. malitia, vi & armis detinere et
 custodire à dicto Domino rege, & ipsum Dominum regem in-
 de penitus deprivare, extratenere, & dishæredare. Ac etiam
 idem G.H. & A.R. ad tunc & ibidem malitiosè & proditorie in-
 ter se conspiraver. et agreeaver. quod ipsi G. & A. cum diver-
 sis alijs falsis proditor. et rebellator. adversus dictum Dominum
 regem in hujusmodi possession. prædicti Castri & fortilagij ex-
 isten. cum prædict. bombard. armis, armatur. munition'. et vi-
 ctual. guerram publicam & acerrimam levare et suscitare vel-
 lent adversus dictum Dominum regem nunc, suosque ligeos
 et fideles subditos hujus regni sui Hiberniæ, et præcipuè in Ci-
 vitat. et Camera sua Dublin. et in Comit. Dublin. commorant.
 et vi et armis vincere, superare, obtinere, et possidere dictam Ci-
 vitem à dicto Domino rege, et veris et fidelibus subdit. suis,
 et eandem Civitatem sub obedientia et gubernatione dicti G. H.
 et A. et alior. falsor. proditor. subducere, et possessionem inde
 quibusdam alijs falsis proditoribus ignor. adversus dictum Domi-
 num regem deliberare, et sic dictum Dominum regem penitus inde
 O o o deprivare

Judgement,
for a man, to be
hanged, drawn
and quartered;
and for a wo-
man, to be
burned,

deprivare et deponere, pro eorum posse, ab omni imperiali potestate & gubernatione hujus regni Hiberniæ, & terrere & subtrahere veros & fideles subditos dicti regni Hiberniæ ab eor. debita fidelitate, obedient. & allegiant. quas debent & de jure gerere tenentur erga dictum Dominum regem. Ac insuper iidem G. H. & A. ad tunc & ibidem, falso, malitiosè, & proditorie conspiraverunt, agreeaver. & concluderunt inter se, quod ipsi iidem G. & A. cum diversis alijs falsis proditoribus, vi & armis, viz. gladijs, pugionibus, & alijs armis tam defensivis quam invasivis, malitiosè, false, & proditorie insultum facere vellent in & super prenobilem virum *Arthurum Chichester* militem, ad tunc & adhuc Deputatum dicti Domini regis hujus regni sui Hiberniæ existen. & alios de privato Consilio dicti Domini regis ad tunc & adhuc in dicto regno suo Hiberniæ existen. et eosdem, dict. Dominum Deputatum dict. regni Hiberniæ, & dictos alios de privato Consilio ejusdem dicti regni Hiberniæ, falso, malitiosè, & proditorie occidere, trucidare, & murrare vellent, contra pacem dicti Domini regis nunc, coronam & dignitatem suas, & contra formam diversor. statut. in hoc casu edit. & provis.

4. *Another Indictment of Treason for Treasonable words.*

Lymrick.

4. fac. in bun-
delle Momo-
nia, fol. 38.

Iurator. pro Domino rege super sacramentum suum dicunt & presentant. quod *I. B. de Brittas* in Comitatu *Lymrick* prædict. generosus, Deum præ oculis suis non habens, neque debet. ligeantiz suæ ponderans, sed diabolica instigatione totaliter seductus, vicesimo septimo die Martij, Anno regni Domini regis nostri Iacobi, qui nunc est, Angliæ, Franciæ & Hiberniæ quarto, Scotiæ autem 39. & diversis alijs diebus & temporibus, tam antea quam postea, apud *Brittas* in Comitatu *Lymrick* prædict. injuste & ex falsa & proditoria sua malitia præcogitat. proditorie imaginavit, prælustravit, & conatus est exhæredationem dicti Domini regis hujus regni sui Hiberniæ, & tunc et ibidem, proditorie denegavit titulum et jus dicti Domini regis ad coronam dicti Regni sui Hiberniæ; Et in manifestatione inde, ex falsa et proditoria malitia sua, præcogitata, quarto die Augusti anno prædict. apud *Brittas* in Com. *Lymrick* prædict. scripsit literas sub manu sua *Theobaldo* domino *Bourke* in quibus prædictus *I. B.* noluit agnoscere dictum Dominum regem nostrum fuisse Regem dicti regni sui Hiberniæ, et in dictis literis protestando, quod defenderet terram tunc in controversia inter ipsum et prædictum Dominum *Bourke*, versus dictum Dominum Regem, et prædictum dominum *Bourke*. Et postea,

postea, videlicet, quarto die Octobris anno prædict. apud *Brittas* in Com. *Lymerick* prædict. quidam *Thomas Miller* manipularis turmæ Domini Præsidentis Momonia annuncians dicto *I. B.* se illi missum fuisse directione dicti Domini Præsident. & tunc ibidem rogavit dictum *I. B.* nomine dicti Domini regis & in debitam suam ligeantiam, in domum suam ei aditum dare propter servitium dicti Domini regis, prædict. *I. B.* ex falsa & proditor. sua malitia præcogitata, tunc & ibidem, responsum dedit in his verbis, viz. **I will not obey the king, and neither the king nor the Lord President shall command mee**, superaddens hæc verba, viz. **I will acknowledge no earthly king, I am as good as any of them**, & tunc & ibidem divers. jacul. eiecit vers. dict. *Corporall Miller* & sodales suos, falsè & proditorie, contra pacem dicti Domini regis, coronam & dignitatem suas, & contra formam & effectum statut. in eod. casu edit. & provis. Et in ulter. manifestat. proditor. intentionis, ut prædictum est, prædict. *I. B.* sexto die Octobris, anno prædict. apud *Brittas* in Com. *Lymerick* prædict. Deum præ oculis suis non habens & debitam suam ligeantiam minime ponderans, sed diabolica instigatione totaliter seductus, proditorie & ex malitia sua præcogitat. in quendam *Owny O Dwyre* de Monasterio de *Owny* in Comitatu. *Lymerick* prædict. **yeoman**, fidelem subditum dicti Domini Regis in pace Dei & dicti Domini Regis existent. tunc & ibidem insult. fecit, & cum una bombardâ, pretij 10.s. sterl. quam prædictus *I. B.* tunc ibid. in manu sua dextra tenuit, sagittavit dict. *Owny O Dwyre* in capite suo cum uno plumbeo (Anglicè, **Did shoot the said Owny O Dwyre in his head with a bullet**) dans ei unam plagam mortalem in capite suo, profunditat. sex pollic. de qua quidem plaga mortali dict. *Owny O Dwyre*, tunc & ibidem, instanter obiit. Et sic prædictus *Iohannes Bourke*, die, anno, loco, & Comitatu. prædict. voluntarie, proditorie, & ex malitia sua præcogitata interfecit & murdravit dictum *Owny O Dwyre*, contra pacem dicti Domini regis, coronam & dignitatem suas, & contra formam & effectum statuti in huiusmodi casu edit. & provis. Et prædictus *I. B.* postea captus & apprehensus pro prodicionibus præd. in ulterior. declaration. proditor. suæ intentionis, ut prædict. est, tertio die Decembris, anno prædict. apud *Carrick*, ad subditos dicti Domini regis sequentibus verbis exclamavit, viz. **Will you suffer mee to be made a prisoner by these Rascals and Traitors?** Et prædict. *I. B.* quarto die Decembris prædict. anno præd. apud *Clonmell*, proditorie & seditiose machinans subditos dicti Domini regis ad rebellionem & bellum versus dictum Dominum regem provocare & excitare, & seipsum rescussere, exclamavit Superiori & populo ejusdem villæ in sequentibus verbis, viz. **O! will you suffer mee to bee carryed away by these Devils?** Et postea, viz. xiiij. die Decembris, anno prædict. apud *Killmallock* in Comitatu

Judgement, to
be hanged,
drawne, and
quartered, for
a man: and for
a woman, to be
burned,

Lymerick præd. dicto *I. B.* prisonario existente sub custodia dicti *Corporall Miller*, Et præd. *Corporall* inveniens malitiam ejus augeri erga gentem Anglicanam ei adhortabatur recordari in quo statu erat, prædictus *I. B.* ad exprimend. suam proditoriam intentionem in ex-
hæredatione dicti Domini regis hujus regni sui *Hiberniæ*, tunc & ibidem, replicavit in his verbis, **O! if these countrey people had performed their promise unto me, it would be another world then it is;** proditorie, malitiose, & deliberatè, tam contra debitam lige-
antiâ suam, pacem dicti Domini regis, Coronam & dignitatem suas, quam contra formam & effectum statut. in hujusmodi casu provis. et edit. Et præd. *Iohannes Bourke* in propria persona sua, isto eodem die & anno, coram præfatis Iusticiarijs hic ad Theolon. Civitatis *Lymerick* in Com. *Lymerick* per vicecom. Comit. præd. ad barram ductus & arrainat. super Indict. præd. & allocutus qualiter se velit de pro-
ditione præd. acquietar. dicit qd ipse non vult respondere ad Indict. præd. nec se super aliquam Inratam patriæ ponere, tunc insuper di-
ctum est ei per Curiam hic, quod nisi aliter in hac parte respondeat, mori debeat, qui dicit quod non aliter vult respondere in hac parte nisi ut prius: Ideo considerat. est quod idem *I. B.* reducat. ad priso-
nam unde venit, & abinde super cratem trahatur usque ad carnifici-
nam, & ibidem suspendatur per collum, & vivum excidatur, & sua intestina & pudenda à corpore suo discindantur, & in conspectu suo comburantur, caput ejus abscindatur, & suum corpus in quatuor partes dividatur, & ad voluntatem Domini regis disponatur.

5. Another Indictment of Treason for words.

In Bundello
Momoniz, rot.
14. num. 2.

Judgement, to
be burned.

Ur. præd. super eorum sacram. dicunt, quod *Ioana ny Edmond Torpie de Castlemaugret* in Com. *Lymericij* **Spinster**, 24. die Iunii Anno Regni Domini nostri Iacobi, Angliæ, Franciæ, & *Hiberniæ* Regis, quarto, & *Scotiæ* xxxix, deum ante oculos suos non habens, nec debit. suam alligeantiâ ponderans, sed diabolica instigatione to-
taliter seduct. proditorie imaginavit mortem, destructionem, & ex-
hæredationem dict. Dom. regis, & intendens deprivare dictum Dominum regem reg. sui *Hiberniæ*, pro meliore manifestatione ejus-
dem, tunc & ibidem, ex falsa & proditoria malitia sua præcogitata, falsè & proditorie apud *Bealladuffe* in Comit. præd. propalavit lingua *Hibernica* hæc verba sequent. viz. Anglicè, **The kings Maestie** (præd. Dom. regem nostrum nunc Iacobum innuendo) **is not wor-
thy to be king; and God fall the king.** (præd. Dom. nostrum re-
gem Iacobum innuendo) **for I never could have Justice since his
comming to the Crowne, and God never prosper the king** (præd. Dom. regem innuendo) falsè, voluntariè, præmeditatè, & proditorie,
contra debit. suam alligant. pacem, coronam, & dignitar. dicti Dom. regis, et contra formam & effectum statut. in hujusmodi casu edit. et provis. &c,

6. Another

6. *An Indictment of Treason for burning a house.*

Iur. pro Dom. rege super sacramentum suum dicunt & præsentrant, quod *Garret England de Adare* in Com. Limericij **Carpenter**, xx. die Februarij, Anno Regni Domini nostri Iac. Angliæ, Franciæ, & Hiberniæ Regis, secundo, Scotiæ autem xxxviii, Deum præ oculis suis non habens, sed diabolica instigatione totalit. seduct. injustè venit, vi et armis, viz. glad. cultell. &c. apud *Adare præd.* et tunc & ibidem, domum mansionalem cujusdam *Daniel m^r Melagblin de Adare præd.* **peoman**, in *Adare præd.* xxij. vacc. pretij xxj. l. sterl. Cxl. oves, pretij xiiij. l. xxiiij. porc. pretij iij. l. quinque dolia aven' pretij xxx. s. in dict. domo tunc et ibidem existent. de bonis et catallis præd. *Daniel* fidelis subdit. dicti Domini regis, voluntariè, malitiosè, et proditoriè combussit, tam contra pacem dicti domini regis, coronam et dignitat. suas, quam contra formam & effectum statut. in hujusmodi casu edit. & provis.

In bundello
Momonix,
rot. 7.

Judgement, to
be hanged,
drawn, and
quartered, for
a man: and for
a woman, to
be burned.

7. *Another Indictment of Treason for burning of a dwelling house
in the day time with a pound of Gun-powder put in a Bundle
of Straw in the house, the owner then being in
the same house.*

Iuratores pro Domina Regina præsentrant, quod *A. B.* nuper de *C.* in Com. *E.* præd. **Victualer**, octavo die mensis Iulij, Anno Regni dictæ Domine nostræ Eliz. Dei gratia Angliæ, Franciæ, & Hiberniæ reg. fidei defensor, &c. tricesimo, ad domum mansionalem *E. F.* de *C.* præd. in com. præd. gener. in *C.* præd. in dicto Com. *E.* existent. vi & armis, inter horas sextam & septimam ante merid. ejusdem diei, accessit, & cum una libra pulver. tormentar. ad valentiam 12. denar. & facce quadam ignita, quam dict. *A. B.* tunc & ibidem, in manibus suis tenuit, ignem in quodam fasciculo straminis tunc in dicta domo existentis, ex malitia sua præcogitata, proditoriè accendit, unde eadem domus tunc ibid. totaliter cremata & combusta fuit, (eod. *E. F.* tunc in pace dictæ domine reginæ in dicta domo sua existente) Et sic præd. *A. B.* dicto oct. die Iulij, anno supradict. apud *C.* præd. domum mansionalem præd. *E. F.* modo et forma præd. voluntariè, ex dict. malitia sua præcogitata, et proditoriè incendit et combussit, contra pacem dict. Dom. reg. nostræ, ac coronam et dignitatem suam, et contra formam statut. in hujusmodi casu edit et provis.

Judgement,
for a man, to be
hanged, drawn,
and quartered:
and for a wo-
man, to be
burned,

8. *Another*

8. *Another Indictment of Treason against the Actor, for burning of a dwelling house in the night time, having an intent to robbe it, and the putting of divers persons in feare then being in the house, and against the Procurers before the offence, and Relievers after the offence.*

Iuratores pro Domino Rege dicunt & præsentant quod *W. S.* de *C.* in *Com. E.* præd. *Smith*, die Febr. & c. 13. circa horam 12. in nocte ejusdem diei, vi & armis, viz. gladijs, scutis, baculis, arcubus, & sagitt. apud *S.* in præd. *Com. E.* ad domum mansionalem cujusdam *I. C.* simul cum alijs, veniebat, ea intentione, ad spoliand. dict. *I.* de bonis & catallis suis in ead. domo tunc exist. ac quod idem *W.* super tecturam ejusd. domus (vulgariter nuncupat. **the covering of the house**,) ad tunc & ibid. cum una scala ascendebat & scandebat, ea intentione, per tectur. præd. ad intrand. & ingred. in dom. illam, Ac quod dictus *W.* simul cum alijs, quibusdam *I. G. R. C. M. P. & F. C.* in ead. domo tunc exist. tant. timor. corpor. tunc & ibid. inferebat. ita quod de vitis suis desperabatur, ac quod dict. *W.* simul cum alijs præd. ad tunc & ibid. ex malitia sua præcogitat. malitiosè & voluntariè, eand. domum cum igne tunc & ibid. proditoriè comburebat, præd. *I. G. R. C. M. P. & F. G.* in ead. domo exist. contra pacem, & c. *ut supra*. Et Iuratores præd. pro dicto Dom. rege ulteriùs dicunt & præsent. quod *W. R.* de *B.* in *Com.* præd. **yeoman**, & *W. I.* de *S.* in *Com. E.* præd. gener. ante prodicionem præd. per præd. *W.* & alios fact. & perpetrat. præd. *W. S.* præd. 27. die Feb. anno supradict. apud *W.* præd. in *Com.* præd. ad prodicionem præd. sic in forma præd. faciend. & perpetrand. proditoriè excitaverunt, procuraver. & abettaver. contr. pac. & c. Ac quod quidam *A. B.* de *E.* præd. sciens præd. *W. S.* **yeoman**, prodicionem præd. in forma præd. fecisse & perpetrasse, eund. *W. S.* **po-stea**, scil. 27. die Feb. anno præd. apud *B.* præd. in *Com. E.* præd. proditoriè recepit, confort. hospitatus est, & concealavit, contra pac. & c. ac contra formam statut. in hujusmodi casu edit. & provis.

Judgement, to be hanged, drawne, and quartered, for a man; and for a woman, to be burned,

9. *For burning a Barne with Corne of divers sorts in it, aswell in Sheafe as threshed.*

Iuratores pro Dom. rege dicunt & præsent. quod *I. M.* de *D.* in *Com. M.* **yeoman**, 3. die, & c. anno, & c. apud *I.* in *Com. E.* vi & armis quoddam horreum cujusdam *I. S.* apud *I.* præd. in præd. *Com. E.* situat. & existen. malitiosè & voluntariè fregit & intravit, & cum quibusdam candelis tunc igne accensis, quas præd. *I. M.* tunc & ibid. in manibus suis tenuit, ad tunc & ibid. ex malitia sua præcogit. & ex instigatione diabolica in horr. præd. cum diversis granis & garbis, viz. tribus quarterijs hordei, quatuor quarterijs frumenti, duobus modijs

modijs avenarum, & 4. careat. hordei in garbis in eod. horreo ad-
tunc existentibus, ignem accensum adtunc & ibidem malitiosè, vo-
luntariè, & proditoriè imposuit, & cum eod. igne adtunc & ibid.
existent. malitiosè, voluntariè & proditoriè horreum cum granis
præd. adtunc & ibid. combussit, & totaliter cum igne illo proditoriè
& voluntariè consumpsit, contra pacem dict. Dom. reg. coronam et
dignitatem suas, et contra formam statut. in huiusmodi casu edit.
et provis.

Judgement, to
be hanged,
drawn, and
quartered, for
a man; and for
a woman, to
be burned.

15. *An Indictment of Treason for relieving of Rebels.*

IUrat. &c. super eor. sacram. dicunt, quod cum *Morris Mc Gibbon*
Duffe nuper de *Dunastowne* in Com. *Limericij* *yeoman*, *Thomas*
Brenagh nuper de eadem *yeoman*, & *Edmond Boy* de ead. *yeoman*,
cum diversis alijs malefactoribus sibi aggregat. Deum ante oculos
suos non habentes, nec debet. suas alligeant. ponderantes, sed dia-
bolica instigatione totaliter seduct. primo die Decembris, Anno
Regni Domini nostri Iac. Angliæ, Franc. & Hiberniæ Regis tertio,
Scotiæ vero tricesimo nono, & diversis alijs diebus & temporibus
tam ante quam postea, injustè & ex malitijs proditor. suis præcogi-
tat. venerunt vi & armis, viz. gladijs, cultellis, bombardis, &c. &
alijs armis & armatur. militar. apud *Ropolege* in dict. Com. *Lyme-
ricij*, & ad diversa alia loca infra Com. præd. & eod. primo die De-
cembris anno supradicto, apud *Ropolege* præd. cum vexill. displicat.
in campo aperto, intentione dictum Dominum regem Regni sui
Hiberniæ exheredare, proditoriè levaverunt, procurav. & instiga-
verunt crudelissimum bellum & public. hostilitat. contra dictum
Dominum regem, viz. murdrand. spoliand. depradand. & combu-
rend. fidel. subdit. dicti Domini regis tunc ibid. et alibi existentes
infra Com. præd. falsè, voluntariè, et proditoriè, tam contra de-
bit. suas alligeant. pacem, coronam, et dignitat. dict. Dom. regis,
quam contra formam et effectum statut. in huiusmodi casu edit. et
provis. &c. Quidam tamen *Kenidie Mc Teige* de *Ropolege* in Com. *Lyme-
ricij* præd. *yeoman*, perfectè sciens dict. *Morris Mc Gibbon*
Duffe, *Thomas Brenagh*, & *Edmond Boy* cõmisisse et fecisse proditio-
nem præd. modo & forma præd. Deum ante oculos suos non ha-
bens, nec debet. alligeant. suam ponderans, sed diabolic. instigat. to-
taliter seduct. decimo nono die Septembris anno supradict. et di-
versis alijs diebus et temporibus, tam antea quam postea præd.
Morris Mc Gibbon Duffe, *Thomas Brenagh*, et *Edmond Boy* cum cibo,
potu, et alijs necessarijs apud *Ropolege* præd. in Com. *Limericij*
præd. proditoriè recepit, relevavit, abbettavit, et manutenuit, tam
contra debit. suam alligeant. pacem, coronam, et dignitat. dicti
Domini regis, quam contra formam et effectum statut. in tali casu
edit. et provis.

In Bundello
Momonis, ret.
13. num. 2.

Judgement, for
a man to be
hanged, drawn
& quartered;
and for a wo-
man to be
burned.

11. *An Indictment of Treason for breaking of prison.*

In Bandell's
Momonie,
Rot. 30.

Judgement, for
a man to
drawne, and
hanged: and
for a woman,
to be burned,

I Ur. pro Dom. reg. super sacram. suum dicunt & præsent. quod
cum *Iacobus Barret* de *Ballynecourty* in Com. *LymERICI* *peoman*,
18. die Decembris, Anno regni Dom. Regis nostri *Iacobi*, qui nunc
est, *Angliæ*, *Franc.* & *Hiberniæ* quinto, *Scotiæ* autem *xij.* com-
missus fuit per mandatum de *Mistimus à Paulo Arundell* Ar. uno
Iustic. pac. dict. Dom. regis in Com. *LymERICI*, sub salva custod.
Iohannis Smith, Deput. *Georgij Win* Custod. gaolæ dicti Domini
regis Com. *LymERICI* præd. pro quadam prodicione, viz. pro eo
quod ipse idem *Iacobus Barret* proditoriè levavit guer. versus dict.
Dom. regem & pro combur. murdrand. deprædand. & spoliand.
fidel. subdit. dicti Dom. regis apud *Ballynecourty* in Com. *LymERICI*
præd. & apud diversa alia loca com. præd. 20. die Septemb. anno
quarto dict. Dom. regis regni sui *Angliæ*, &c. & sic existens sub
salva custod. dict. *Georgij Win* & sui Deputat. *Iohannis Smith*, præ-
fatus *Iacobus Barret*, 29. die Ian. anno quinto regni Dom. regis
nostri præd. *Angliæ*, &c. apud *Lymerrick* in Com. *Lymerrick* præd. vi
& armis, viz. cultell. &c. proditoriè fregit prisonam præd. & tunc
et ibidem proditor. evasit, & ad largum ivit ex custodia dict. *Geor-
gij Win* & sui Deputat. *Iohannis Smith*, contra eorum voluntat. tam
contra pacem dict. Dom. regis, coronam & dignitat. suas, quam
contra formam et effectum statut. in huiusmodi casu edit. & provis.

12. *An Indictment of Treason for levying Warre against
the King.*

Pasche 15. Jac.
rot. primo.

Donegall. **I** Uratores pro Dom. Rege dicunt et præsent. quod *Rory
Mc Davet* nuper de *Bertcastle* in Com. *Donegall* *peoman*,
Tirlagh O Doghertie, *Hugh Boy O Donnell*, *Dermot Mc Tri-
vet*, *Tirlagh O Mulvoghory*, *Owen O Doghertie*, *Phelim Mc Gilleglassé*
O Doghertie, *Neile O Kervy*, *Donogh O Morrae O Sheuelin*, *Coale O Dog-
hertie*, & *Canchor O Doghertie* nuper de *Bertcastle* præd. gen. cum di-
versis alijs nequissimis proditoribus eis aggregatis, Deum præ ocu-
lis suis non habentes, nec debitum ligeantiæ suæ ponderantes, sed
diabolica instigatione totaliter seducti, primo die Iunii, Anno
regni Regis qui nunc est *Iacobi*, *Angliæ*, *Franciæ*, & *Hiberniæ*
sexto, & *Scotiæ* quadragesimo primo, apud *Bertcastle* præd. in Com.
præd. proditoriè, & ut falsi proditores dict. Domini regis nunc, vi
& armis, viz. gladijs, lanceis, & bombard. modo guerrino se con-
gregaver. & ad tunc & ibidem, falso, malitiose, & proditoriè, & ut
falsi proditores & rebelles dict. Domini regis nunc, imaginaver. in-
tender. & machinati sunt mortem & destructionem ejusdem Domini
regis; & ad tunc & ibidem conspiraver. & proposuer. eundem Dom.
regem nunc de regia potestate & gubernatione suis huius regni *Hi-
bernæ*

berniæ penitus deprivare et deponere, ac gubernationem ejusd. regni Hiberniæ, contra voluntatem ejusd. Regis nunc, super seiplos sumere & accipere, ac deinde penes se detinere: Ac ad ill. fals. proditor. nefand. & nequissimum propositum perimplend. & prosequend. prædict. *Rory Mc Davet*, & cæteri prænominati, cum dictis alijs nequiss. & sceleratiss. dict. Dom. regis nunc proditoribus & rebell. præd. præd. primo die Junij anno supradict. apud *Bertcastle* præd. in Com. *Donegal* præd. proditoriè, & ut falsi proditores & rebelles dicti domini regis nunc; in executionem nefand. et sceleratiss. intent. suar. præd. modo guerrino insurrexerunt, & diversos ligeos & subditos dict. domini regis ad rebellionem contra eundem Dom. regem, tunc & ibidem, moverunt & incitaverunt, ac vi & armis, videlicet, gladijs, lanceis, bombardis, & alijs armis defens. & offens. proditoriè, & ut falsi proditores & rebelles dicti domini regis nunc, crudele & apertum bellum adversus eundem Dom. regem & fideles subditos suos hujus regni Hiberniæ, voluntariè & proditoriè levaverunt, excitaverunt, & crexerunt, tam contra debitum legiant. suæ, & pacem dicti Domini regis, coronam & dignitat. suas, quam contra formam & effectum diversor. statutor. in hujusmodi casu edit. et provis. &c.

Judgement, for a man to be hanged, drawn & quartered: and for a woman to be burnt.

13. An Indictment of Treason, for being in Rebellion, and robbing the Kings Subjects, against the Actors and their Relievers.

Wickloe. Jurator: pro Domino rege dicunt & præsent. quod *Jacobus Hicky*, nuper de *Bolton* in Com. *Kildare* gener. *Morganus O Curren* nuper de eadem *yeoman*, *Thadæus Mc Murtagh* de *Killennure* in Com. *Wickloe* gen. & *Donaldus O Kelly* de eadem *yeoman*, simul cum diversis alijs sceleratiss. proditoribus, Deum præ oculis suis non habentes, nec debit. ligeant. suæ considerant. sed instigat. diabolica totaliter seduct. sexto die Novembris, Anno Regni nunc, Dom. Regis Angliæ, Franc. et Hiberniæ quarto decimo, vi & armis, viz. gladijs, hastis, spiculis, scutis, bombardis, & alijs armis et instrumentis bellicis modo guerrino armat. & arraiat. publicum, crudele, & apertum bellum contra dict. Dominum regem nunc, apud *Coolatin* in præd. Com. *Wickloe*, proditoriè levaverunt; Et in ulter. execution. prodicion. præd. iidem *Jacobus Hicky*, *Morganus O Curren*, *Thadæus Mc Murtagh*, & *Donaldus O Kelly*, tunc et ibidem, domum mansionalem *Henrici Terret* gen. veri & fidel. subditi dicti Dom. regis nunc, in pace Dei et ejusdem Dom. regis nunc, ibid. tunc existen. circa horam undecimam in nocte ejusdem diei, consimili vi & armis, burglariter & proditoriè fregerunt et intraverunt, et sex libras in pecunijs numeratis de denarijs ejusdem *Henrici*, duas penulas ad valenti. trium librarum, duos gladios ad valenti. viginti solidorum, unum tormentum valor. viginti solid. unum stragulum valoris sex solid. duo paria famoral. valoris viginti solid. duas diploides valoris viginti solid. tres tunicas valoris decem solid. unum ornamentum colli valoris trium solid. duas patinas Stanni valoris trium solidorum, duo

Pasche 15. Inc. rot. 7.

Judgement, for
a man to be
hanged, drawn
& quartered :
and for a wo-
man to be
burnt.

candelabra valoris duor. solid. unum salinum valoris duodecim de-
narior. unum annulum argenti valoris trium solid. & sex coclearia
valoris sex denar. de bonis & catallis dicti *Henrici Terret*, in dict. do-
mo ipsius *Henrici* tunc invent. burglariter & proditoriè ceperunt &
asportaver. contra pacem dicti Domini regis, Coronam & dignitat.
suas, et contra formam stat. in hujusmodi casu edit. et provis. Et quod
Murtagh Mc Cahir de Killenure in præd. Com. *Wickloe* gen. *Olive-
rus Tallon* de Rathnegeragh in Com. *Catherlagh yeoman*, *Shane Roe*
de Killenure præd. in Com. *Wickloe yeoman*, *Edwardus Mc Murtagh*
de Knockloe in præd. Com. *Wickloe yeoman*, & *Willms Daffe O Kelly*
de Killenure præd. in Com. *Wickloe* præd. *yeoman*, bene scientes &
pro certo cognoscentes præfat. *Jacobum Hicky*, *Morganum O Curren*,
Thadeum Mc Murtagh, et *Donaldum O Kelly* feloniam, burglar. et
prodicionem præd. modo et forma præd. fecisse, commisisse, et per-
petrasse, postea, scilicet septimo die ejusdem mensis Novembris
anno quarto decimo suprascripto, eosdem *Jacobum Hicky*, *Morganum*
Curren, *Thadeum Mc Murtagh*, et *Donaldum O Kelly* apud Killenure
præd. in præd. Com. *Wickloe*, et apud diversa alia loca infra eundem
Com. voluntar. et proditoriè receperunt, abettaverunt, auxiliari
sunt, et relevaver. cum cibo, potu, et hospitio, contra pacem dicti
Dom. regis, coronam & dignitatem suas, et contra formam et ef-
fectum statuti in hujusmodi casu edit. et provis.

14. *An Indictment and attaynder of Treason for coyning money.*

Midd. **A** Liàs, scilicet die Mercurij prox. post Oñab. sancti Mar-
tini isto eodem Termino, coram domina regina apud
Westmonasterium per sacramentum duodecim Iur. extitit præsentat.
quod *D.B.* nuper de *L. yeoman*, *I. P.* nuper de *L. yeoman*, & *H.*
S. nuper de *L. gen.* Deum præ oculis suis non habentes, sed insti-
gatione diabolica seduct. machinant. dictam Dominam reginam &
populum suum callidè, falsò, deceptivè, & proditoriè decipere &
defraudare, decimo die Octobris, Anno regni Domine nostre *Eli-
zabethæ Dei gratia Angliæ, Franciæ, et Hiberniæ Reginæ*, fidei de-
fenfor. &c. vicesimo quinto, apud parochiam sancti Clementis
Dacorum extra Barr. novi Templi London. in Com. *Midd.* tri-
ginta pecias de cupro et ære, & alijs mixtis metallis ad instar & simi-
litudinem bonæ, legalis, & curren. monete et cunei auri dictæ Dom.
Reginæ hujus regni sui Angliæ, vocat. *Elizabeth Soberaignes*,
falsò & proditoriè fabricaver. cuderunt, & contrafecerunt, ac scient.
præd. triginta pecias fore sic ut præfertur falsò et proditoriè fabri-
cat. cufas, & contrafact. ijdem *D.B. I. P. & H.S.* quasdam earun-
dem peciarum, sic ut præfertur falsò et proditoriè fabricat. cuf. &
contrafact. videlicet, tres pecias inde, postea, scilicet prædict. deci-
mo die Octobris anno vicesimo quinto suprascripto, apud parochiam
sancti Clementis Dacorum prædict. in prædict. Com. *Midd.* &
alibi

alibi in eodem Com. *Middlesex*, diversis dictæ Dom. reginæ ligetis pro vera, legitima, & corrente moneta huius regni Angliæ deceptivè, falsis, & proditorie exposuer. solver. & utteraver. in magnum præjudicium, fraudem & deceptionem ligetorum dictæ Dom. reginæ, & contra pacem dictæ Dom. reginæ, coronam & dignitat. suas, nec contra formam statut. in huiusmodi casu edit. & provis. &c. Super quo præceptum fuit vic. quod non omitt. &c. qui caperet eos, si &c. ad respondend. &c. & modo, scilicet die Iovis prox. post octab. sancti Martini isto eodem termino, coram Dom. regina apud Westmonasterium vener. præd. D. B. I. P. & H. S. sub custodia G. H. militis locum tenentis Turris Reginæ Lond. in cuius custodiam præantea ex causis præd. commissi fuer. virtute Brevis Dom. reginæ de *Habeas corpora ad subjiciend. &c.* ei inde directi ad barr. hic ducti in proprijs personis suis, qui committuntur Marriscallo. Et statim de prodicionibus prædict. eis superius imposit. seperatim alloquuti qualiter se velint inde acquietar. prædict. D. B. & I. P. seperatim dicunt, quod ipsi non possunt deducere quin ipsi de prodicionibus in Indict. præd. specificatis sunt culpabiles, modo & forma prout per Indict. præd. superius versus eos supponitur, & prodiciones præd. express. cognover. & posuer. seiplos in misericordiam dominæ reginæ. Et prædict. H. S. dicit, quod ipse in nullo inde est culpabilis, & inde de bono & malo ponit se super patriam, Ideo inter Dom. reginam & præfat. H. S. ven. inde jurat. coram Dom. reg. in Octab. sancti Hillarii ubicunque, &c. & qui &c. ad recog. &c. quia &c. idem dies dat. est præfato H. S. sub custod. Marr. interim commissi. salvo custodiend. periculo incumbente, &c. & statim quæsitum est de præd. D. B. & I. P. si quid pro se habeant vel dicere sciunt, quare Curia hic ad iudicium & executionem de eis super cogn. suam præd. procedere non debeat, qui nihil ulterius dicunt præterquam ut prius dixer. super quo Servientes Dom. reginæ ad legem, ac ipsius reginæ Artur. iuxta debitam legis formam petier. versus præfat. D. B. & I. P. super cogn. suas proprias in hac parte fact. iudicium & executionem superinde prædict. Dom. regina habend. &c. Super quo vii. & per Curiam hic intellectis omnibus & singulis præmissis, Consider. est, quod præd. D. B. & I. P. ducantur per præfat. Marr. usque prisonam Marlesc. dom. Reginæ, et abinde per medium Burgi de *Sowthwarke* directi usque ad furcas de *S. Thomas Watering* trahantur, & super furcas illas ibidem suspendantur quousque mortui fuerint, &c.

Judgement, for
a man to be
drawne, and
hanged: and
for a woman,
to be burned;

15. *An Indictment of Treason for counterfeiting
the Privie Seale.*

I Vratores pro Domina reg. super sacrament. suum præsentant,
quod N. B. nuper de paroch. sancti Clementis Dacor. extra
Barr. novi templi Lond. in Com. *Midd. yroman*, simul cum R. B.

de eadem gen. & alijs, vicesimo quarto die Decembris, Anno Regni Dom. Eliz. nunc regina Anglia vicesimo tertio, timorem Dei pra oculis suis non habens, nec debitum ligantiae suae ponderans, sed instigatione diabolica motus et seduct. machinans atque subtilissime studens quibus arte, dolo, & fraude praedictus R. B. potuerat habere & obtinere de praefat. Dom. regina licentiam & libertatem ad colligend. recipiend. & habend. a quibuscunque subditis dictae Dom. reginae, ei dare volentibus, in sua Com. Surr. & Civitate Londini & Suburbij ejusdem Civitat. elemosynas & alia dona charitativa quaecunque, machinansque ea de causa signum manuale, & sigillum privat. vocat. **the privie Seale**, dict. Dom. reginae subdole, falso, & proditorie fabricare & contrafacere, quandam billam in pergamento nomine ejusdem Dom. reginae apud parochiam sancti Clementis praed. in Com. Middlesex praed. praedict. vicesimo quarto die Decembris, Anno Regni dict. Dom. reginae nunc vicesimo tertio supraedict. scribi fecit: cujus quidem billae tenor sequitur in haec verba.

Elizabeth by the Grace of God, Queene of England, France, and Ireland, Defender of the Faith, &c. To all and singular Archbishops, Bishops, Archdeacons and other official persons, Vicars, Curates, and all other spirituall persons; and also to all Justices of Peace, Mayors, Sheriffes, Bailiffes, Constables, Church-wardens, and to all other our officers, Ministers and subiects whatsoever they be, aswell within liberties as without, to whom these presents shall come greeting. Whereas we are certified by a writing under the hands and scales of H. C. and B. O. Justices of Peace in the County of Bedford, of the great decay and mis-hap of this bearer K. B. of the parish of W. who by sudden mis-hap of fire had his house burned, and his goods consumed to the summe of fourescore pounds and upwards, which goods were not all his owne, because that he occupied the Trade of a Mercer; so that, without the devotion of well disposed people, he is utterly undone with his wife and children to the number of foure. Know ye therefore, that we have licensed, and doe by these presents license the said K. B. to aske, gather, receive, and take the Almes, Charity, and devotion of all our loving subiects inhabiting and dwelling within the County of Surry, our Citty of London with the Suburbes thereof, aswell within the Liberties as without, and not elsewhere; wherefore we will and command you and every of you, that at such times as the said K. B. shall come and repaire to any your Churches, and other places to aske and gather the Charity and Devotion of our loving Subiects as is aforesaid, quietly to permit and suffer him so to doe, without any manner your lets or contradictions, and you the said spirituall persons to declare the tenor of these presents unto our said Subiects, exhorting

horting them to extend their Charities in this behalfe, and that
you the said Constables and Church-wardens will be arding
and assisting for the collection and gathering of the Almes aforesaid;
In witnesse whereof we have caused these our letters to be
made. Given at our Mannor of K. the third day of November
in the two and twentieth yeare of our Raigne.

Et ulterius Iur. dicunt super sacramentum suum, quod prefat.
N. B. simul cum ceteris pred. vicesimo quarto die Decembris, Anno
vicesimo tertio supradict. apud parochiam sancti Clementis pred.
in Com. Midd. pred. signum manuale sive signaturam indideris, &
quoddam sigillum ad similitud. & proportion. privati Sigilli, vocat.
the privie Seale, dict. Dom. Regina super billam predict. fixum
& appositum, falso, fraudulenter, & proditorie fabricavit, contra-
fecit, & posuit; Et sic predict. N. B. die, anno, & loco supradict. fal-
so & proditorie fabricavit & contrafecit Sigillum privat. vocat. the
privie Seale, dict. Dom. regina, contra legiantie sue debitum, ac
contra formam statut. in huiusmodi casu edit. et provis. necnon con-
tra pacem dicti Dom. regina nunc, coronam & dignitat. suas.

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Judgement,
for a man, to be
drawn and
hanged:
and for a wo-
man, to be
burned.

16. For counterfeiting of a Protection, and putting to it the great
Seale taken from other old letters Patents.

I Urae. &c. presentant, quod R. D. nuper de H. in Com. H. husband-
man, & A. B. de H. predict. peoniam, machinantes quomodo
populum domini regis nunc subdissime possent decipere vel defrau-
dare, & Dominum regem, de his quae ad ipsum regem pertinent &
regalia sua ut de feodo magni sigilli & huiusmodi exheredare, & ve-
ram legem Angliae a toto tempore usitaram & approbatam subverte-
re & annullare, 16. die Feb. Anno, &c. apud T. in Com. M. decepti-
ve, falso, & proditorie quasdam falsas literas patentes ad similitudi-
nem scrip. Cancellar. Domini regis, contrafec. quasi essent literae pa-
rentes de protectione ipsius Regis, sub nomine I. K. Clerici Hana-
perij Domini Regis ac unius Clericorum Cancellariae predictae
script. hunc tenorem continen. viz. H. Dei gratia, &c. (reciting the
letters patentes verbatim) Ac cum idem R. B. & A. B. dictas falsas
literas patent. sic ut praeiunt. contrafecissent, non habentes magnum
sigillum Domini regis, deceptivè, falso, & proditorie machinan-
qualiter ipsi falsas et fictas literas patentes huiusmodi subtilius pos-
sent sigillare, et magnum sigillum Domini regis contrafacere, dicto
16. die Februar. Anno supradict. apud B. in Com. pred. quoddam
magnum sigillum Domini regis, super quasdam literas patentes ipsius
Domini regis praeterea pend. et debite impositum, acceperunt, as-
sumentes sibi regiam potestatem, et ipsum regem regali sua autho-
ritate (quantum in eis fuit) privant. adruic et ibidem cum quo-
dam cultello arripuerunt, et illud dictis falsis, fictis, et contrafactis
literis

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Judgement, to
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a man: and for
a woman, to
be burned.

literis patent. deceptivè & proditor. appoluerunt & annexerunt, & easdem literas sigillaver. sigill. ill. subtiliter recludendo quasi sic non fecissent, & sic magnū sigillum Dom. regis, ad tunc & ibidem, proditorie contrafecer. & cum præmissis fecissent, dictas falsas & contrafactas literas patentes, ut prædicitur, sigillat. 8. die Martij, Anno &c. apud villam de S. in Com. M. ac in diversis alijs locis ejusd. com. tanquam literas patentes ipsius Domini regis de protect. deceptivè, falso, & proditorie publicaverunt, & diversas pecuniar. summas de diversis ligeis domini regis receper. virtute dictarum falsarum, fictarum, & contrafact. literarum paten. in deceptionem domini regis, ac populi sui præjudic. & exheredationem dicti domini regis manifestā, contra pacem ejusdem domini regis, coronam et dignitatem suas, ac contra formam statut. in hujusmodi casu edit. et provis.

17. For counterfeiting and uttering of money, and against one for receiving after the offence committed.

Juratores pro Domina regina præsentant quod T. S. de W. in Comitatu E. Taylor, machinans dictam Dominam reginam & populum suum callidè & proditorie decipere, 20. die mensis Decembris, Anno Regni dictæ dominæ nostræ Elizabethæ Dei gratia, Angliæ, Franciæ, & Hiberniæ reg. fidei defensor. &c. vicesimo nono, viginti pecias monetæ apud W. prædictam in Comitatu E. prædicto de Stranno & alijs mixtis metallis ad instar & ad similitudinem bonæ & legalis monetæ & cunei dictæ dominæ nostræ hujus regni sui Angliæ, (vocat. Angl. a shilling, or piece of twelve pence,) falso & proditor. fabricavit, cudit, & contrafecit: posteaque, viz. dict. die 20. anno supradicto easd. pecias (sic ut præmittitur falso & proditorie fabricat. & contrafact.) diversis ligeis dictæ dominæ reginæ, pro vera & legitima moneta hujus regni sui Angliæ apud W. præd. in Com. E. præd. falso & proditorie exposuit & utteravit; in magnam subditorum dictæ dominæ nostræ deceptionem, ac contra pacem dictæ dominæ nostræ, coronam & dignitatem suam, necnon contra formam statut. in ejusmodi casu provis. & edit. Et quod M. uxor T. A. de W. præd. in dicto comitatu E. gener. sciens prænominatum T. S. prodiction. prædictam modo & forma præd. fecisse & commisisse, eundem tamen T. S. postea, viz. secundo die Febr. anno supradicto, apud W. præd. in Com. E. præd. receptavit & confortavit, ac prodictionem præd. concealavit, contra pacem dictæ dominæ reginæ nunc, coronam & dignitatem suam.

Judgement, for
a man to be
drawn & han-
ged: and for
a woman to
be burned.

18. For coining and uttering of Gold.

Juratores pro Domina Regina dicunt et præsent. quod H. A. nuper de B. in Comit. E. Labourer, & T. S. nuper de T. in Com. præd. Labourer, die & anno, &c. & diversis alijs diebus & vicibus

bus tam antea quam postea, Deum præ oculis suis non habentes, sed instigatione diabolica seducti, machinantes dictam dominam reginam & populum suum callidè, falso, deceptivè, & proditoriè decipere & defraudare, de injuria sua propria absque auctoritate, warranto, five concessione regie majestatis eis aut eorum alteri concess. octo pecias falsæ monete ad imaginem & similitudinem peciarum monete auri, Anglicè voc. **golden Sovereignes of 8. s. a piece**, apud M. in Com. E. præd. pro iniquo lucro & advantage è cupro falso & proditoriè deauraver. & easdem pecias falso & proditor. sic ut præmittitur, fact. fabricat. contrafact. & cunat. diversis ligeis dictæ dominæ Regine pro vera legit. et currente moneta dictæ dominæ reginæ regni sui Angliæ apud M. præd. in Com. E. præd. 20. die ^{Judgement, for a man, to be drawn and hanged :} Octobris anno suprad. ac diversis alijs diebus antea & postea, deceptivè, falso, & proditoriè exposuer. & utteraver. in solutionem diversis ligeis dictæ dominæ reginæ, contra formam statut. in hujusmodi ^{and for a woman, to be burned,} casu edit. & provis. ac contra, &c.

19. *Another against counterfeiting and uttering of money and Gold.*

Iurat. pro Domina regina dicunt & præsentant quod R. W. nuper de H. in Com. E. **Smith, I. L.** nuper de C. in prædict. Comit. **Glover, & T. B.** nuper de D. in præd. Com. E. **peoman**, Deum præ oculis suis non habentes, sed instigatione diabolica seducti, machinantesque dictam Dominam Reginam & populum suum callidè, falso, deceptivè, & proditoriè decipere & defraudare, duodecimo die Martij anno regni dominæ Eliz. &c. sexto, sex pecias monete apud B. præd. in Com. E. præd. de cupro & alijs mixtis metallis, ad instar & ad similitudinem bonæ, legalis, & currentis monete & cunei dictæ Dominæ Regine hujus regni sui Angliæ, Anglicè vocat. **Shillings**, necnon duas pecias è cupro, ære, & alijs mixtis metallis ad instar et ad similitudinem bonæ, legalis, et current. monete & cunei auri dictæ Dominæ reginæ regni sui Angliæ, Anglicè vocat. **halfe Sovereignes**, falso et proditoriè fabricaver. cudet. & contrafecer. & quasdam earundem peciar. sic ut præmittitur, falso & proditoriè fabricat. cus. & contraf. &c. diversis ligeis dictæ dominæ reginæ pro vera, legitima, & currente moneta hujus regni Angliæ apud B. præd. in dicto Com. E. & alibi in dicto Com. E. postea deceptivè, falso, & proditoriè, exposuer. solver. & utteraver. in magnum præjudicium, fraudem et deceptionem ligeorum dictæ dominæ reginæ, ac contra pacem ejusdem dominæ Regine, coronam et dignitatem suam, necnon contra formam statut. in hujusmodi casu ^{Judgement, for a man to be drawn, and hanged: and for a woman, to be burned,} edit. et provis.

20. *An Indictment for clipping of gold and silver, and uttering the same.*

Judgement, for
a man to be
drawne, and
hanged: and
for a woman,
to be burned,

I Vratores, &c. quod E. D. de Civitat. Covent. **P**redict, die & anno, &c. ac diversis diebus ante & postea apud Civit. præd. 30. pec. auri voc. **Royals**, ac 300. pecias argenti voc. **Groats** bonæ & legalis monet. Angliæ & cunagij dict. dominæ Reg. pro lucri causa falso, felon. & proditoriè totondit & filavit; ita quod per tonsionem & filationem illas quælibet pecia auri inde de 12. d. in suo debito pondere diminuebatur, ac quælibet pecia argenti inde de uno obulo in debito suo pondere diminuebatur, & monet. ill. in forma præd. tonsam & filat. diversis ligeis dict. dominæ reginæ apud Civit. præd. in Com. præd. falso, telon. & proditoriè exposuit & utteravit, contra formam statut. &c. ac contra pac. &c.

21. *Another Indictment for the counterfeiting of the Queenes Letters Patents to beg, and taking the Queenes broad Seale from other Letters Patents, and putting it to the counterfeit Letters Patents.*

Judgement,
for a man, to be
drawn and
hanged:
and for a wo-
man, to be
burned,

I Uratores pro Domina Regina dicunt et præsent. quod I. D. nuper de M. in Com. &c. Deum præ oculis suis non habens, sed instigatione diabolica seductus. die &c. apud &c. deceptivè, falso, & proditoriè quasdam fals. literas patentes scripsit de collect. devotion. & charitat. populorum ipsius dom. Reg. tenore contin. viz. **Elizabeth by the Grace of God, &c.** Ac cum idem I. dict. falsas literas paten. sic ut præmittitur contrafecisset, idem I. præd. die &c. Anno &c. apud M. præd. in Com. præd. quoddam magnum sigillum dictæ Dominæ adtunc præantea quibusdam alijs literis patentibus annexum et legitimè apposit. irripuit. & accepit, & illud sigillum dictis falsis & contrafactis literis deceptivè, falso, & proditoriè apposuit & annexuit, & easdem literas sigillo illo subtiliter sigillavit; Et sic magnum sigill. dict. dominæ reginæ, ibid. & adtunc, voluntariè & proditoriè contrafecit, falsificavit, & fabricavit. Et idem I. postea scil. die &c. anno &c. apud M. in Comitatu præd. ac diversis alijs locis ejusdem Com. diversas denariorum summas diversorum ligo- rum dictæ dominæ Reginæ colore literarum præd. modo et forma prædict. contrafactar. et sigillat. deceptivè, falso, et proditoriè colligebat, habuit, et recepit, et ad usum suum proprium convertit, in malum et perniciosum exemplum, ac contra formam statut. in hujusmodi casu edit. et provis. et contra pacem dictæ dom. reg. &c.

22. *An Indictment of Treason for making of false gold at Roan in France, and for uttering of it in England.*

Iurator: pro domino rege &c. præsent. quod H.S. nuper de *Hallifax* in Com. Ebor. **Merchant**, aliàs dict. H.S. de *Hallifax* in Com. E. **Merchant**, undecimo die mensis Novembris, Annis regnorum Philippi & Mariæ Dei gratia Regis & Regina Hispaniarum, Franciæ, Angliæ, utriusque Siciliæ, Ierusalem, & Hiber. fidei defensor, Archiduc. Austriæ, duc. Burgundiæ, Mediolani, et Brabantia, Com. Haspurgij, Flandriæ, & Tirolis, 30. & 40. numerum 16. l. & 10. s. in 60. & sex pec. voc. **halfe Sovereignes and English Crownes** de ære, cupro, alcameno, & diversis alijs metallis intinul mixt. falso & proditoriè apud *Roan* & *Diepe* in partibus transmarinis in regno Gallia, ad similitudinem bonarum dimid. sufferancear. & coron. auri de cuncto dictor. domini regis & Domina Regina hujus regni Angliæ, per quosdam falsos prodit. apud *Roan* & *Diepe* præd. in præd. partibus transmarinis falso & prodit. ibidem fabricat. & contrafact. à præd. regno Gallia usque ad hoc regnum Angliæ & ad Civitatem Norwichiæ introduxit & introduci procuravit. Et præd. H.S. sciens præd. 60. dimid. sufferanc. voc. **threescore halfe Sovereignes**, ac prædict. sex coronas, Anglice voc. **ix English Crownes**, modo & forma præd. fore falsas & fabricat. secundum formam & similitudinem bonar. dimidiar. sufferanc. & Coronar. hujus regni Angliæ, affirmans dictas sufferanc. & Coronas illas fore de bono auro & stabili moneta hujus regni Angliæ s. falsas dimid. sufferanc. & unam Coronam voc. **halfe English Sovereignes, and one English Crowne**, de præd. 60. & sex dimid. sufferanc. & Coronis in forma præd. ex ære, cupro, & alcameno fabricat. & contrafact. cuidam H.B. hic apud Norwic. in Com præd. pro uno equo, uno gladio, & uno scuto de bonis & Catallis præd. H. B. per ipsum H.S. de eodem H.B. ad tunc & ibidem emptis pro bona solutione falso, fraudul. & proditoriè, ad tunc & ibidem, uteravit, solvit, ac liberavit, contra pacem &c. ac contra formam statut. &c.

Judgement, for a man to be drawne, and hanged: and for a woman, to be burned,

23. *Of murder by two with a weapon, and one accessory before the offence committed*

Iuratores pro domino rege &c. præsentant quod H.W. nuper de S. in Comitatu E. **Taylor**, & W.C. de S. in Com. E. præd. **deaver**, primo die Martij, Anno &c. apud C. in parochia de S. præd. in Com. E. præd. vi & armis &c. in quendam T.B. in pace Dei & dict. domini regis, ad tunc & ibidem existent. ex malitia sua prepen- sa insult. fecer. & præd. H.W. cum quodam falcastro, Anglice vocat. **a welsh hooke**, valor. 12. d. quem idem H. in manibus suis ad tunc &

Judgement, for
a man to be
hanged, drawn
& quartered :
and for a wo-
man to be
burnt.

ibid. tenebat, prædict. *T. B.* super dextrum brachium propè manum dextram, adtunc & ibid. ex malitia sua præpenſa & præcogitata felonice & proditorie percussit, dans eidem *T.* adtunc & ibid. cum falcastro prædict. unam plagam mortalem profunditatis duorum pollicium & longitudinis quinque pollicium de qua quidem plaga mortali prædict. *T.* adtunc & ibid. instantèr obiit. Et sic prædict. *H. W.* & *W. C.* apud *S.* prædict. in Comitatu *E.* præd. modo & forma præd. præfat. *T. B.* felonice & proditorie ex malitia sua præcogitata interfecer. & murdraver. contra pacem dicti Dom. regis nunc, coronam & dignitatem suas. Et quod *I. H.* de *S.* præd. in Com. *E.* præd. **Husbandman**, ante prodicionem, felon. & murdr. prædict. per præfat. *H.* & *W.* sic in forma prædict. commiss. & perpetrat. viz. præd. primo die Martij, anno &c. apud *S.* præd. in Com. *E.* præd. prædictos *H. W.* & *W. C.* ad felon. prodicionem, & murdr. præd. sic in forma prædict. faciend. & perpetrand. malitiosè, proditorie, & felon. incitavit, abettavit, & procur. contra pacem &c. ac contra formam statut. &c.

24. For a murder by two with a weapon.

[Vrat. pro domina regina &c. præsentant quod *A. B.* nuper de *C.* in dict. Com. *E.* **Blacksmith** & *D. E.* de *C.* præd. in Com. *E.* præd. **Butcher** primo die Septembris, Anno Regni ~~diæ~~ domine nostræ Elizabethæ Dei gratia Angliæ, Franciæ, & Hiberniæ reginæ fidei defensoris &c. tricesimo, vi & armis ex malitia sua præmeditata, in quendam *F. G.* nuper de *B.* in dicto Com. *E.* **yeoman**, apud *B.* præd. in Com. *E.* præd. in quodam loco ibid. (vulgariter nuncupato **the bowling place**,) adtunc & ibidem in pace Dei & dictæ domine reginæ existen. insultum fecerunt, & præfatus *A. B.* cum quodam gladio districto, ad valentiam 5. solidor. quem ipse in manu sua dextra adtunc & ibidem tenuit, ipsum *F. G.* super sinciput suum voluntarie, proditorie, & felonice ex malitia sua præpenſa & præcogitata, tunc & ibidem, percussit, & eo ipso ictu dedit eidem *F. G.* quandam plagam mortalem in longitudine trium pollicium, & in profunditate quinque pollicium & dimid. de qua quidem mortali plaga præd. *F. G.* tunc & ibid. instantèr & immediatè obiit. Et ulterius, quod præd. *D. E.* cum quodam baculo ad valentiam unius oboli (quem ipse in manibus suis tunc & ibidem tenuit) ipsum *F. G.* adtunc et ibidem, voluntarie, proditorie et felonice percussit super caput suum, dans eidem *F. G.* unam aliam plagam mortal. in dicto suo capite, in longitudine trium pollicium, et in profunditate duorum pollicium, unde idem *F. G.* de plaga ultimo præd. obiisset, si non obiisset de ictu illo priore præd. quem prædict. *A. B.* ei primo dederat. Et sic Iurat. prædicti dicunt quod prænominati *A. B.* & *D. E.* dict. 7. die Septembris, anno supradict. apud *B.* præd. in præd. loco (voc. **the bowling place**,) præd. *F. G.* modo &

& forma præd. ex malitijs suis præcogitatis, voluntat. proditoriè & felonice interfecer. & murdraver. contra pacem dict. Dominae Regin. coronam & dignitatem suam, ac contra formam statut. in hujusmodi casu provis.

Judgement, as
supra, in the
next foregoing
President.

25. For murder with a Cudgell.

IVrat. pro Dom. regina præsentant, quod *I.S.* nuper de *T.* infra parochiam de *C.* in Comit. *E.* prædict. **Labourer**, 13. die Iulij, &c. non habens Deum præ oculis suis, sed instigatione diabolica mot. & seductus, ex malitia sua præcogitat. vi et armis, &c. in quendam *Ric. N.* apud *C.* in Comit. *E.* prædict. adtunc et ibid. existen. in pace Dei & dict. Dom. Reginae, insult. & affraiam fecit, ac uno bacillo vocat. a **Cudgell**, nullius valoris, quem idem *I.S.* adtunc & ibid. in manu sua dextra tenuit, eundem *R.N.* in dextra parte capitis ipsius *R.* adtunc & ibidem proditoriè & felonice ex malitia sua præpensa & præcogitat. percussit, dans eidem *R.* adtunc & ibid. cum bacillo prædict. unam plagam mortalem longitudinis trium pollicium, & profunditatis unius pollicis, de qua quidem plaga mortali præd. *R.* apud *R.* in præd. Com. *E.* languebat à præd. 14 die Iunij, Anno supradict. usque 27. diem ejusdem mensis Iunij tunc prox. sequen. Quo quidem 27. die Iunij, Anno supradict. præd. *R.N.* apud *R.* præd. in Com. *E.* præd. ex plaga præd. mortali obiit. Et sic præd. *Iohan. S.* eundem *R. N.* apud *C.* præd. in Com. *E.* præd. ex malitia sua præpensa & præcogitata modo & forma præd. proditoriè & felonice interfecit & murdravit, contra pacem dictæ Dom. Reginae, coronam et dignitatem suam, ac contra formam stat. in hujusmodi casu edit. & provis.

Judgement, as
supra, in the
23. Pres.

26. For murder and procurement in the High-way.

IVratores pro Domina Regina præsentant, quod *P.P.* nuper de *L.* in prædict. Com. *E.* **Labourer**, 20. die Octobris, anno, &c. inter horas sextam & septimam post meridiem ejusdem diei, Deum præ oculis suis non habens, sed instigatione diabolica motus & seductus, ex malitia sua præcogitata, vi & armis, &c. in quendam *R.P.* in via regia apud *P.* infra parochiam de *S.* in Comit. *E.* præd. adtunc & ibidem in pace Dei & dict. Dominae Reginae, existen. insultum fecit, & cum uno baculo valoris 2. d. quem idem *P.P.* adtunc & ibidem in manibus suis tenuit, eundem *Rich.* super dextram partem capitis sui, adtunc & ibidem, felonice & proditoriè ex malitia sua præcogitata percussit, dans eidem *Rich.* adtunc & ibid. cum baculo præd. unam plagam mort. in longitudine duor. pollicium & in profunditate dimid. pollicis, de qua quidem plaga mort. præd. *R.P.* apud *E.* infra parochiam de *S.* in Com. *E.* præd. à præd. 22 die Octob. ann. 15. suprad. usq; sept. diem Feb. tunc prox. sequen. languebat: quo

Judgement, ut
supra in the 13

quidem septimo die Febr. anno 15. supradict. idem R. P. apud E. præd. in Com. E. præd. de præd. plaga mortali obiit. Et sic Iuratores præd. dicunt super sacramentum suum præd. quod præd. P. P. ipsum R. P. infra parochiam de S. prædict. in Comitatu E. prædict. dicto septimo die Februarij anno supradicto ex malitia sua præcogitata, modo & forma præd. proditoriè & felonice interfecit & murtheravit, contra pacem dictæ, &c. Et quod *Katherina P.* uxor præd. R. nuper de L. præd. in Com. E. præd. **Spinster**, ante prodicionem, feloniam, & murther præd. per ipsum P. P. sic in forma præd. fact. & perpetrat. viz. 21. die Octobris, anno 15. supradict. eundem P. P. apud L. præd. in Com. E. præd. ad prodicionem, feloniam, & murther præd. in forma præd. sic faciend. & perpetrand. proditoriè & felonice ex malitia sua præcogitat. excitavit, abettavit, & procuravit, contra pacem dictæ dominæ Reginæ, &c. ac contra formam statuti, &c.

27. *Another for murder and diverse wounds against the Actors and Procurers.*

Judgement, ut
supra in 23.

Iurat. pro Domina regina, &c. præsentant quod T. B. nuper de S. in Com. E. prædict. **peoman**, & H. O. nuper de S. in Com. præd. **peoman**, 3. die Iunij, &c. vi & armis ex malitia sua præcogitata, in quendam W. B. apud T. in Com. E. prædict. in quodam loco ibid. vocat. H. ad tunc et ibidem in pace dei & dictæ Dominæ reginæ existentem, insultum fecer. & præd. T. B. cum quodam baculo ad valentiam duorum denariorum quem ipse in ambabus manibus suis ad tunc et ibidem tenuit, ipsum W. B. super posteriorem partem capitis sui proditoriè et felonice ex malitia sua præcogitata percussit, dans ei unam plagam mortalem latitudine quatuor pollicium, de qua quidem plaga mortali, præd. W. B. tunc & ibidem immediate obiit. Et quod prædictus H. O. cum quodam pugione ad valent. sex denarior. quem ipse in manu sua dextra ad tunc et ibidem tenuit, ipsum W. B. ad tunc et ibidem ex malitia sua præcogitat. proditoriè et felonice percussit, dans eidem W. in gutture suo, unam aliam plagam mortalem latitudine unius pollicis et profunditate quinque pollicium, unde idem W. B. de plaga prædict. immediate obiisset, si non obiisset de ictu præd. quem præd. T. ei dedisset prius. Et sic præd. T. B. et H. O. dicto tertio die Iunij anno supradicto apud T. præd. in Com. E. præd. in prædicto loco vocat. H. prædictum W. B. proditoriè & felonice ex malitia sua præcogitata interfecer. et murtheraverunt. Et quod *Eliz. B.* nuper de S. præd. in Com. E. præd. **Spinster**, uxor præd. T. B. et H. O. nuper de S. præd. in præd. Com. E. **Spinster**, uxor præd. H. O. præd. 3. die Iunij anno supradicto in præd. Com. E. vi et armis, &c. in præd. loco apud T. præd. vocat. H. ex malitia sua præcogitata proditoriè et felonice præsent. fuerunt abettantes, auxiliantes, et confortantes prædict. T. B. & H. O. ad vulne-

vulnerand. præd. *W. B.* et præd. *T. B.* & *H. O.* ad proditionem, feloniam, et murdrum, præd. in forma præd. faciend. proditoriè & felonice ex malitia sua præcogitat. adtunc et ibid. excitaver. & procuraver. contra pacem dictæ dominæ reginæ, coronam & dignitatem suam, ac contra formam statut. &c.

28. *An Indictment against a widdow for procuring one to murder her childe in her presence after she was delivered by cutting the throat, and against the procurers before, and Relievers after the offence committed.*

Iurator. pro domina regina præsentant, quod *H. M.* nuper de *K.* in prædict. Com. *E.* vidua, gravida existens cum quadam infante viva, 24. die Maij, Anno regni dictæ Dominæ nostræ Elizabethæ Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defensor. &c. secundo, apud *K.* præd. in Com. *E.* prædicto, ex Dei providentia parturit et peperit unam prolem famellam vivam: posteaq; quædam *Iana S.* nuper de *W.* in dicto Com. *E.* vidua apud *K.* præd. in Com. *E.* præd. vi et armis, ex malitia sua præcogitata (dicto 24. die Maij anno supradicto, circa horam undecimam ante meridiem ejusdem diei) per consilium, mandatum, et procurationem prædictæ *H. M.* ac in præsentia ipsius *H. M.* in prædictam prolem famellam vivam insultum fecit, & cum quodam cultello (ad valentiam unius denarij) quem ead. *Iana* tunc in manu sua dextra tenuit, guttur ipsius prolis famellæ adtunc & ibidem ex malitia sua præcogitata proditoriè et felonice scidit, dans eid. proli famellæ quandam plagam mortalem in gutture suo præd. de qua quidem plaga prædicta proles famella apud *K.* præd. in Com. *E.* præd. adtunc & ibidem instantè obiit. Et quod prædicta *H. M.* adtunc & ibidem proditoriè & felonice ex malitia sua præcogitata & præpensa fuit præfens, confortans, & auxilians ad prædictam prolem famellam in forma præd. interficiendam. Et sic præfat. *H. M.* & *Iana* prædictam prolem famellam ex malitia sua præcogitata proditoriè, felonice, & voluntariè interfecerunt & murtheraverunt, contra pacem Dom. reg. coronam et dignitat. suas, & contra formam statut. &c.

Et insuper Iuratores prædicti præsentant pro dicta domina regina quod *Georgius P.* nuper de *K.* prædicta in dicto Com. *E.* **reoman,** 19. die Maij, Anno regni dictæ dominæ reginæ secundo, ac diversis alijs diebus et vicibus ante proditionem, feloniam & murdr. præd. in forma prædict. perpetrat. apud *K.* prædict. in Com. *E.* prædicto, malitiosè, proditoriè, et felonice consuluit, mandavit, procuravit & abettavit prædict. *H. M.* ad prædictam proditionem, feloniam & murdrum volentè. faciendum, ac ad interficiendum & murtherandum dictam prolem famellam, contra pacem dictæ dominæ Reginæ. Et ulterius quod *O. P.* & *A. B.* de *K.* præd. in Com. *E.* præd. **Sptn-** **sterg** post feloniam, murdrum, & proditionem prædicta. in forma præd.

Procurement.

Relievers after the fact.

Judgement, ut
Supra in the 23
for the Actors
and Procurers;
but for the
Believers after,
quare. præd. fact. scientes præfatas *H. M.* & *I. S.* prodicionem, feloniam, & murdrum præd. in forma præd. fecisse et perpetrassc, ipsam tamen *H. M.* apud *K.* præd. in Comit. *E.* præd. (27. die dict. Mensis Maij anno supradicto) felonice receptaverunt & confortaver. contra pacem dict. dominæ reginæ nunc, coronam & dignitatem suas, & contra formam statuti, &c.

29. An Indictment of Treason for a murder against the Actor, and the Procurer before the Fact.

Judgement, ut
Supra, in 23. Juratores pro Domina Regina præsentant, quod *A. B.* de *C.* in Com. *E.* **Procurer**, decimo die Septembris, Anno regni dictæ dominæ nostræ Elizabethæ Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defensor. &c. tricesimo quarto, in domo mansionali cujusdam *B. D.* apud *C.* prædict. in Com. *E.* prædict. vi & armis, viz. cum gladio & pugione districtis ad valent. decem solidorum (quos idem *A. B.* tunc ibidem in manibus suis tenuit) in prænominatum *B. D.* tunc et ibidem in pace Dei et dictæ Domina reginæ existentem, voluntariè et ex malitia sua præcogitata, insultum fecit, et eundem *B. D.* ad tunc et ibidem cum dicto gladio felonice & proditorie ac ex malitia sua præcogitata, super caput suum fortiter & validè percussit, ita quod dicto ictu caput ipsius *B. D.* tunc & ibidem in duas partes scidit, dans ei plagam mortalem unde corpus præd. *B. D.* immediatè ibidem ad terram cecidit, et dict. *B. D.* instantè ibidem de plaga prædicta obiit: Et sic præf. *A. B.* apud *C.* præd. ex malitia sua præcogitata & præpensâ eundem *B. D.* modo et forma prædict. volunt. nequiter, felonice, & proditor. interfecit et murravit, contra pacem dictæ dominæ nostræ Reginæ nunc, coronam & dignitatem suas. Et quod quidam *I. S.* de *C.* præd. in dict. Com. *E.* **Procurer**, ante feloniam et prodicionem præd. per præfatum *A. B.* sic ut præfertur, voluntariè perpetrat. & commissum, viz. sexto die Decembris anno prædicto, eundem *A. B.* apud *C.* præd. in com. *E.* præd. ad feloniam & prodicionem præd. in forma præd. perpetrand. & committend. felonice et proditorie consuluit, excitavit, et procuravit, contra pacem dict. dominæ nost. Reginæ, coronam et dignitatem suam, ac contra formam statut. in hujusmodi casu edit. et provis.

30. An Indictment of Treason for wilfull poysoning with hearbes in Pottage.

Juratores pro Dom. regina præsent. quod *T. H.* de *C.* in Com. *E.* præd. **yeoman**, secundo die Decembris, Anno regn. dia. Dom. nostræ Eliz. Dei gratia Angliæ, Franc. & Hiber. regin. fidei defensor. &c. 36. apud *C.* prædict. in Com. *E.* præd. in domo mansionali ibidem cujusdam *H. B.* nuper de *C.* præd. in dicto Com. *E.* **yeoman**,
ex

ex malitia sua prapensa & prægogitata, voluntariè & proditoriè porrexit ac dedit in catillo quodam eidem *W. B.* ad edendum quædam olera (Anglicè vocat. **potage**) ex cicuta venenosissima & alijs herbis virulentis confecta & composita, quæ quidem olera prædictus *W. B.* tunc ibidem cum coctleari (quod in manu sua dextra tenuit) comedit, unde prædictus *W. B.* statim postea ægrotabat, et à prædicto secundo die anno supradicti in dicta domo sua apud *C. præd.* languebat usque sextum diem dicti mensis Decembris anno supradicti, quo quidem sexto die anno supradicti præd. *W. B.* ex dicto esu olerum præd. in dicta domo sua apud *C. præd.* in dicto *Com. E.* obiit. Et sic Iuratores præd. præsentant quod præd. *T. H.* prænominatum *W. B.* apud *C. præd.* in *Com. E.* præd. modo et forma supradictis, ex malitia sua prapensa & prægogitata voluntariè & proditoriè veneno prædicto interfecit & murtheravit, contra pacem dictæ domine reginæ nunc, ac contra formam statut. in huiusmodi casu edit. & provis.

Judgement, ut
supra, in the 23.

31. Of Treason for wilfull poysoning of one by a potion.

Iur. pro Dom. regina & c. præsent. quod *H. R.* nuper de *C.* in *Com. E. Miller* 10. die Octobr. Anno & c. Deum præ oculis suis non habens, sed instigatione diabolica seduct. ex malitia sua prapensa & prægogitata quendam *R. F.* in pace Dei & dictæ Dom. reginæ existens. apud *C. præd.* in *Com. E.* præd. ad bibendum prætextu amoris & amicitie invitavit, & eidem *R. F.* ad tunc & ibidem portionem quandam veneno intermixtam & intoxicat. ex malitia sua præd. felonice & proditoriè dedit, quam quidem portionem præd. *R. F.* ex instigatione & provocatione dicti *H.* ad tunc & ibidem accepit, & eandem portionem super illud immediate bibebat & exhausit, ratione cuius dictus *R. F.* immediate post portionem præd. sic exhaustam, morbo correptus fuit, ac à prædicto 10. die Octobr. anno supradicti usque quartum diem Febr. & c. apud *C. præd.* in præd. *Com. E.* languebat, quo quidem quarto die Febr. anno 8. supradicti prædict. *R. F.* ex portione & intoxicatione prædict. apud *C. præd.* in *Com. E.* præd. obiit. Et sic prædictus *R. H.* præfat. *R. F.* apud *C. præd.* in *Com. præd.* modo & forma supradict. cum portione præd. veneno intermixta & intoxicata felonice & proditoriè & ex malitia sua prægogitata & prapensa interfecit & murtheravit, contra pac. dict. dom. Reginæ nunc, et contra formam statuti inde in huiusmodi casu editi et provis.

Judgement, ut
supra in 23.

32. For Treason against the wife for poysoning her husband by putting
Arsnicke and Rosegree in his drinke.

Iuratores & c. quod *A. B.* de & c. vid. nuper uxor *I. B.* de *F.* præd. & c. contra debitum matrimonij vinculum, ac zelum et amorem quem

Judgement, *ut*
supra, in 23.

quem eadem *A.B.* erga præd. *I.B.* nuper virum suum gerere deberet, diabolico instinctu ducta, & ex malitia sua præcogitata, machinans & intendens eundem *I.B.* nuper virum suum de vita sua privare, ac ipsum felonice & proditorie murrare, 11. die *I.* &c. apud &c. proditorie & felonice ex malitia sua præpensa & præcogitata posuit in potu ipsius *I.B.* ad tunc viri sui quoddam venen. mortiferum, vocat. *Arsenic & Hologree*, ac potum illum sic venenatum ex malitia sua præpensa & præcogitata proditorie & felonice ad tunc & ibidem præd. *I.B.* dedit & ministravit bibendum, qui quidem *I.B.* nihil fraudis aut doli versus præd. *A.* inde suspiciens potum illum sic venenatum & intoxicat. ad tunc & ibidem per instigationem & provocationem dictæ *A.* bibit, per quod idem *I.B.* ab eodem 11. die Junij &c. usque 22. diem Jun. tunc prox. sequent. languebat: Quo quidem 22. die anno &c. idem *I.B.* de veneno illo apud *F.* &c. obiit. Et sic dicunt Iuratores præd. quod præd. *A.* præd. 22. die *I.* anno &c. dict. *I.B.* ad tunc virum suum apud &c. proditorie et felonice intoxicavit, interfecit, et murravit, contra pacem dicti Dom. Regis &c. ac contra formam statuti. &c.

33. *Of high Treason for rebellious insurrection, and the Aiders and Comforters.*

Judgement, *ut*
supra, in the
29. Pref.

Inquiratur pro domino rege quod *R.M.* nuper de *S.* in Com. *K.* ac alij falsi proditores et inimici metuendissimi ac Christianissimi principis *E.* regis Angliæ quarti post conquestum Angliæ ignoti, die et anno &c. apud *Saint Elins* in Insula vectæ in Com. *Sonth.* se insimul congregaverunt, ac tunc et ibidem vi et armis, viz. gladijs, &c. insurrexerunt ad confortand. et supportandam *I.* nuper Comitem *W.* falsum proditorem et inimicum domini regis nunc, apud *W.* de diversis alijs prodicionibus erga ipsum regem infra regnum suum Angliæ factis convict. et attinctum, idemq; *R.M.* et alij proditores et inimici præd. prædict. *I.* nuper Comitem *W.* et complices suos, ut falsi proditores, contra ligeantiæ suæ debit. falso et proditorie, ad tunc et ibidem, ad præmissa faciend. confortaverunt et auxiliaverunt, ac tunc et ibidem eidem *I.* nuper Comit. *W.* et complicibus suis fuerunt adhærentes, scientes ipsum *I.* nuper Comitem *W.* de prodicionibus suis prædictis attinct. et convict. fuisse, contra ligeantiam suam, contra pacem, &c. ac contra formam statuti. &c.

34. *An Indict. of Treason against one for breaking of a house, and murdering of one with a Cudgell in his bed by privitie and consent of the wife of the murdered.*

Iur. &c. præsent. quod *E.D.* nuper de *E.* &c. circa horam 12. in nocte ejusdem diei, Deum præ oculis suis non habens, sed ex malitia sua præpensa et præcogitata, vi et armis, viz. &c. domum *P.R.* apud

apud C. in Com. præd. proditoriè & felonice fregit & intravit, & in præf. R.P. adtunc & ibid. nudum in lecto suo jacentem, insultum & affraiam fecit, & eum cum uno baculo valoris 12. d. voc. a **Ludgell**, eundem R.P. super caput suum usque ad cerebrum, adtunc & ibid. felonice & proditoriè ex malitia sua præcogitata & præpensa percussit, dans ei plagam mortalem, de qua quidem plaga mortali idem R.P. adtunc & ibid. instanter moriebatur. Et sic idem E.L. eundem R.P. adtunc & ibid. in forma præd. proditoriè & felonice interfecit & murdravit, contra pacem dictæ dominæ Reginae, ac contra formam statut. &c. Et quod quædam *Agnes P.* nuper de &c. **Spinster**, tunc uxor præd. R.P. tertio die Iunij, Anno &c. & diversis diebus ante eundem diem, & ante prodicionem & murdrum præd. in forma præd. perpetravit apud W. præd. in Com. præd. præfat. E.L. ad prodicionem & murdrum præd. fac. & perpetrando. proditoriè & felonice ex malitia præcogitata & præpensa procuravit & abbet. contra pacem dictæ dominæ Reginae, ac contra formam statuti &c. Et etiam quod eadem A.P. sciens præfat. E.L. prodicionem, feloniam, & murdr. præd. in forma præd. fecisse & perpetrasse, præd. E.L. 3. die Iunij, Anno &c. apud W. præd. in Com. præd. felonice & proditoriè receptavit & confortavit, contra pacem dict. dom. reg. &c. & contra form. stat. &c.

Judgement, as
supra, in 23.

35. *An Indict. of Treason for a Murder committed of malice prepensed.*

Iuratores pro domina Reg. &c. præsentant quod T.H. nuper de E. in Com. Chester **Labourer**, vicesimo die &c. circa horam sextam post meridiem ejusdem diei, apud T. præd. in Com. præd. ex malitia sua præcogitata & præpensa, & de insultu præmedit. vi & armis in quendam R.B. nuper de T. præd. in Com. præd. **peoman**, adtunc & ibidem in pace Dei & dictæ dominæ Reg. exist. insultum fec. & cum quodam baculo, Anglice voc. a **piked staffe**, pretij 4. d. quod ipse in manibus suis adtunc & ibidem tenuit, præd. R.B. super caput suum ex malitia sua præcogitata felonice & proditoriè percussit, dans ei, adtunc & ibidem, unam plagam mortalem longitud. duor. pollicium in sinistra parte capitis sui usque ad cerebrum, de qua quidem plaga mortali præf. R.B. languid. jacebat usque ad 19. diem Ianuarij extunc prox. sequen. quo quidem 10. die Ian. anno &c. idem R.B. apud T. præd. in Com. præd. ex ipsa plaga ei dat. modo & forma præd. moriebatur; Et sic idem T.H. præd. R.B. ex malitia sua præpensa & præcogit. proditoriè & felonice interfecit & murdravit, contra pacem dictæ dom. reg. coron. & dignitat. suas, & contra formam stat. &c.

Judgement, as
supra, in the
23. Pref.

36. *An Indict. for murthering of a man child newly borne, which is murthered by the mother.*

Iurator. pro domina reg. &c. præsent. quod E.B. nuper de T. in Cō. &c. **Spinster**, 29. die &c. Anno &c. apud T. præd. adtunc et
R r r ibidem

Judgement, as
supra, in the
23. Prof.

ibidem quendam infantem masculum peperit: et postea præd. E. prædictis die & anno apud T. præd. vi & armis ex malitia sua præcogitata super præd. infantem tunc vivum existent. insultum fecit, & adtunc & ibidem ex malitia sua præd. infantem voluntariè, felonice, & proditoriè cum digitis suis super caput suum tam dure traiebat quod præd. infans præd. dura tractatione immediatè moriebatur. Et sic præd. E. B. præd. die & anno suprad. præd. infantem masculum ex malitia sua præcogitata, modo & forma præd. felonice & proditoriè interfecit & murtheravit, contra pacem dictæ dom. reg. nunc, &c. & contra formam statut. &c.

37. *An Indictment of murder committed by the Father upon his owne daughter with his Fist.*

Judgement, as
supra, in the
25.

Iur. &c. quod I. L. de &c. die & anno &c. apud &c. in quodam loco vocat. E. in Com. præd. vi & armis &c. in quandam A. L. fili. am præd. I. in pace dei & dictæ dominæ Reg. exist. ex malitia sua præcogitata insultum fecit, verberavit, & maletractavit, ita quod de vita sua desperabatur. Ac præd. I. cum suis pugnis adtunc & ibid. ex malitia sua præcogitata eandem A. L. felonice & proditoriè super corpus suum percussit, dans eid. A. unam plagam mortali. super pectus suum, de qua quidem plaga mortali eadem A. incontinenter adtunc & ibid. obiit. Et sic præd. I. præd. A. adtunc & ibidem, felon. & proditoriè interfecit & murtheravit, contra pacem &c. ac contra formam stat. &c.

38. *An Indict. before the Coroner for killing and robbing of one by the high way, and flying thereupon, and a Towne amerced for not apprehending the felon.*

Inquisitio indentata capta apud B. in Com. præd. in quodam loco ibid. voc. **Latouffe crosse**, die &c. Anno &c. coram W. W. gen. uno Coronat. dictæ Dominæ Reg. Com. præd. super visum corporis cuiusdam I. W. nuper de L. &c. adtunc & ibid. jacent. mortui, per sacramentum bonorum & legalium hominum villatæ de B. præd. & trium aliar. villat. propinqu. viz. &c. ad inquirend. qualiter & quomodo præd. I. W. ad mortem suam devenit, viz. per sacrament. &c. Qui dicunt super sacramentum suum quod ubi præd. I. W. 2. die &c. anno supradicto fuit in pace Dei et dictæ dominæ Reg. equitans inter villam de **Wenlock** magna & **Buylde** magna præd. in Com. præd. sic accidit circa horam undecimam ante meridiem ejusdem diei quod quidam T. L. nuper de H. in Com. præd. **yeoman**, Deum præ oculis suis non habens ex malitia sua præcogit. apud **Latouffe crosse**, præd. in Com. præd. in insidijs jacuit, ea intentione ad murtherand. et interficiend præf. I. W. Ac præd. T. L. ex prædicta malitia sua præcogit. vi & armis, &c. in præfat. I. W. adtunc et ibid. insultum fecit, & ipsum I. W. ab equo suo (super quem idem I. tunc equitabat) in terram dejecit, & collum ipsius Iohannis adtunc & ibid. vi & manu forti felonice & proditoriè

proditoriè torfit & fregit, unde idem *I.W.* adtunc die, anno, hora, & loco suprad. moriebatur; & sic præd. *T.L.* præd. *I.W.* modo & forma præd. proditoriè & felonice ex malitia sua præcogitat. murtheravit & interfecit, contra pacem &c. & contra formam statuti &c. Et ulterius dicunt Iuratores præd. quod præfat. *T.L.* immediate post felon. prodicionem & murtherum prædict. in forma præd. perpetravit. adtunc & ibidem, unam crumenam coriam pretij 4. d. & 40. s. in nummis numeratis in dicta crumena tunc existen. de bonis & catallis ipsius *I.* dum vixit; adtunc & ibidem, à corpore ipsius *I.* felon. cepit. Et superinde præd. *T.L.* per defectum & negligentiam inhabitantium villat. de *Buyldas* præd. fugam fecit, tunc minime apprehensus existens pro murthero, prodicione, & feloniam prædict. ideo amerciat. prædicta villata de *B.* præd. ad. *C.s.* pro huiusmodi escap. secund. formam statuti in huiusmodi casu edit. & provis. Et dicunt etiam Iurat. prædicti super sacramentum suum præd. quod præd. *T.L.* præd. secundo die Septembr. anno supradicto, seu unquam postea, nulla habuit bona neque catalla, terras nec tenementa in Comitatu præd. In cujus &c.

2. Endictments of Felony of severall sorts.

1. For Manslaughter.

Iuratores presentant pro domino Rege quod *M.B.* de *C.* in dicto Com. *Songelder*, decimo sexto die Septembris, Anno regni domini nostri Caroli Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, fidei defensoris, &c. 13^o. apud *C.* prædict. in Comitatu prædict. in quendam *E.F.* nuper de *C.* prædict. in Comitatu præd. *weaver*, tunc & ibidem in pace Dei ac dicti Domini regis existen. vi & armis, insultum fecit, & ventrem dicti *E.F.* tunc & ibidem cum baculo longo cuspidem peracutacapitato (Anglicè vocat. *a long sharpe picked staffe*) quem idem *M.B.* tunc ibidem in manibus suis tenuit, felonice pupugit & perfodit, dans eidem *E.F.* vulnus mortale in dict. ventre suo, latitudinis unius pollicis, & profunditatis septem pollicium, de quo quidem mortali vulnere idem *E.F.* tunc & ibid. instant. obiit: contra pacem dicti dom. reg. nunc, coron. & dignitat. suam.

Judgement, he be hanged.

2. An Inquisition taken before a Coroner upon the view of the body of one which had hanged himselfe in a leather girdle upon the bough of a Tree.

Inquisition indentata capta apud *M.* in Comitatu præd. 13. die April. Anno &c. 35. coram *Iohanne M.* gen. uno Coronat. dict. dom. reg. Comitatus præd. super visum corp. cuiusdam *H.W.* de *D.* in Com. *E.* præd. *Sho.* ibid. mortui jacent. per sacrament. &c. Qui dicunt supra

sacramentum suum quod præd. H. 4. die April. Anno regni dictæ domine Reg. 35. supradicto, circa horam 4. post meridiem ejusdem diei, Deum præ oculis suis non habens, sed instigatione diabolica seductus. in quodam prato cujusdam W. S. gen. apud T. in præd. Com. G. voc. *E. Meadome*, adtunc & ibidem solus existens, cum uno singulo corij, pretij unius denar. quod ipse tunc & ibid. in manibus suis tenuit, & unum finem inde circa collum suum adtunc & ibidem posuit, & circa ramum cujusdam arboris salicis alter. finem inde ligavit, seipsum adtunc & ibid. voluit. & felonice suspend. suffocabat & strangulabat. Et sic Iur. præd. dicunt supra sacramentum suum quod præd. H. W. modo & forma præd. adtunc & ibid. voluit. & felon. ut felo de se, seipsum murdravit, contra pacem dictæ Domine Reg. Ac quod idem B. nulla habuit bona seu catalla, terras neque tenementa. In cujus rei testimonium tam præf. Coronator quam Iur. præd. præsent. sigilla sua apposuerunt; dat. die, anno, & loco suprad.

3. For Manslaughter.

Judgement, as
supra.

Iur. pro Dom. reg. &c. præsent. quod R. L. nuper de D. in Com. præd. E. *peoman*, 19. die Decembris, Anno &c. vi & armis, viz. &c. in quendam T. C. cum quodam candelabro ad valentiam 12. d. quod idem R. in manu sua dextra adtunc & ibidem tenuit, eundem T. super caput suum felonice percussit, dans eidem T. adtunc & ibidem unam plagam mortalem, posteaque idem R. corpus ejusdem T. adtunc & ibid. ad terram prostrat. manibus genibusque suis tam dire & violenter quassavit ita quod prædict. T. de plaga & quassatione prædicta. instantèr obiit. Et sic prædict. R. præd. T. modo & forma præd. adtunc & ibidem, felonice interfecit, contra pacem dictæ domine Regine, coron. &c. *ut alibi*.

4. Another Indict. for Manslaughter.

Judgement, as
supra.

Iurat. præsent. pro Dom. rege, &c. quod A. B. &c. 8. die Junij, vi & armis, viz. &c. in *Iohann. P.* apud B. præd. in pace Dei & Dom. Reg. existent. insultum & affraiam fecit, & cum manu sua dextra præfat. I. P. in capite suo felon. adtunc & ibidem, percussit, dans ei plagam mortalem, de qua quidem plaga præd. I. P. adtunc & ibid. incontinenter obiit. Et sic idem A. B. præfat. I. P. adtunc & ibid. modo & forma præd. felon. interfecit & murdravit, contra pacem dicti Dom. Reg. &c.

5. *Another Indictment of Manslaughter against two, and against one other as accessory to the same.*

Iuratores pro domino Rege &c. presentant quod A.B. de C. in Cō. D. pcoman, & W.F. de T. in Com. præd. Husbandman, 2. die &c. in I.W. de C. in Com. præd. Labourer, adtunc in pace Dei & Domini regis existent apud L. præd. insultum fecer. Et idem A. B. cum quodam gladio pretij 10. s. quod dict. A. B. in manu sua dextra tenuit, eundem I.W. tunc & ibidem in gutt. ipsius I. felon. percussit, de quo ictu præd. I. tunc & ibidem instanter moriebatur. Et præd. W.F. cum quadam tendite, voc. a hedge bill, quam ipse in manibus suis tunc tenuit, ipsum I.W. adtunc & ibid. percussit, & ipsum A. B. ad interficiend. præd. I.W. adtunc & ibid. felonice auxiliatus fuit. Et sic præd. A. B. & W.F. præd. die, anno, & loco præd. præd. I.W. modo & forma præd. felonice interfecer. contra pacem &c. Et quod H.W. de P. in Com. præd. gen. sciens præd. A. B. felon. præd. informa præd. fecisse, apud L. præd. & alibi in dicto Com. decimo die &c. eundem A. B. felon. recepit, auxiliatus fuit, & concealavit, contra pacem &c.

Accessarie.

Judgement, as
supra.

6. *An Inquisition taken by a Coroner super visum corporis.*

Inquisitio capta apud S. in Com. S. die &c. anno &c. coram I. B. uno Coronatorum dictæ Domine Reg. in Com. præd. super visum corporis A. B. nuper de E. in Com. præd. Husbandman, ibid. jacen. mortui, per sacrament. &c. Qui dicunt super sacramentum suum quod ita accidebat apud G. præd. die &c. anno &c. quod præd. A. B. ægrotabat apud G. præd. de febr. à 10. die Aprilis usque ad 20. diem mensis ejusdem, Quo quidem die ex Febri præd. & visitatione Dei adtunc & ibid. præd. A. B. circa horam 10. ejusdem diei ante meridiem, obiit. Et Iuratores præd. dicunt quod præd. A. B. ex nullo alio morbo, ægitudine, aut infirmitate ad mortem suam deveniebat, sed hæc est causa mortis suæ & non aliter. In cujus rei testimonium huic Inquisitioni tam præd. Coronator quam Iuratores præd. sigilla sua apposuerunt.

7. *An Inquisition found before a Coroner upon the view of the body, in which it is found that S. A. being keeper of the Earle of Pembroke his Parke, finding one hunting in the same parke required him to stand and yeeld him selfe, he neverthelesse defended him selfe and would not yeeld, whereupon the Park-keeper with a Forrest-bill by a thrust in the breaſt killed him.*

Inquisitio indentata capta apud Saxefield in Com. S. 9. die Februarij anno &c. per sacrament. &c. Qui dicunt super sacramentum suum

suum quod cum quidam S. A. parcarius pranobilis W. Com. P. parci sui de P. in Com. præd. 20. die Ianuarij anno Regni dictæ Dominæ Reginæ 4. circa 11. horam ejusdem diei, inveniebat præd. T. H. in parco præd. venant. & vagrantem ad damnum ibid. faciend. Et præd. T. H. post clamorem per præd. S. A. tunc & ibid. levat. ad pacem dictæ Dominæ Reginæ ad stand. rect. reddere se nolebat, sed ad malitiam suam exequend. & continuand. & pacem dictæ dominæ Reginæ diffugiendum, vi & armis tunc & ibid. se defendebat, præd. S. A. ad tunc & ibidem veniens ad eundem malefactorem sic juvent. arrestand. & capiendum, cum quadam tendite, (Anglicè vocat. **a forest bill**) quam præd. S. A. in manu sua dextra tenuit, præd. T. H. vi & armis resistens. ad tunc & ibid. in pectus ipsius T. percussit, de quo quidem ictu idem T. H. primo die Februarij tunc proximè sequen. apud *Saxefield* præd. in Com. prædicto, obiit. Et Iuratores prædicti ulterius dicunt super sacramentum suum, quod præd. S. A. non occasione alicujus discordiæ, contumeliæ, aut alicujus malevolentiae sive odij præcogitat. sed solummodo ob causam præd. & non aliam præd. T. H. percussit, ut prefertur. In cujus rei testimonium &c.

8. An Indictment or Inquisition before the Coroner super visum corporis of one who killed one in his owne defence.

Inquisitio indent. capta apud T. in Com. Cestriæ 2. die &c. anno &c. coram I. M. gen. uno Coron. dictæ Dominæ Reg. in Com. præd. super visum corporis A. B. nuper &c. ad tunc & ibid. super terram mortui jacen. per sacramentum &c. I. H. &c. ac de tribus alijs villar. propinquior. viz. A. B. C. in Com. præd. ad inquirend. qualiter & quomodo præd. A. B. ad mortem suam devenit, qui super sacrament. suum dicunt, Quod cum ipse A. B. 15. die Octobr. anno regni &c. 5. circa horam septimam ante meridiem ejusdem diei apud T. præd. in Com. præd. vi & armis, contra pacem dictæ dominæ Reginæ, in quendam R. nuper de T. præd. in Com. C. præd. **Butcher**, ad tunc & ibidem in pace Dei & dictæ dominæ Reginæ exist. insultum fecit, & ipsum R. B. cum quodam baculo, vocato **a Pike-fork**, quem idem A. in manibus suis tenuit, verber. & super brachium suum graviter percussit, ita ut idem R. B. pro ipsius vitæ salvatione à præd. A. B. quant. potuit, fugit usque ad magnam concavam, vocat. **a hollow flacke**, ultra quam ipse R. B. à præf. A. fugere non potuisset, & sic ipse R. B. seipsum ac vitam suam defendendo, præd. A. B. præd. insultum assidue continuante, super anteriorem partem capitis ipsius A. dicto 15. die Octobris, anno, hora & loco supradictis cum quodam baculo vocat, **a Browne bill**, pretij &c. quem idem R. B. ad tunc & ibid. in manibus suis tenuit, percussit, dans ei plagam mortalem tres pollices longam, unum pollicem latam & dimid. unius pollicis profund. super quam quidem plagam ipse A. B. languidus jacebat usque ad 20. diem Octobr. præd. in quo quidem

quidem 20. die Octobr. anno &c. idem A. apud T. præd. in Com. præd. ex ipsa plaga ei dat. modo & forma præd. moriebatur. In cuius rei testimonium &c.

9. *An Indict. of Inquisition taken before the Coroner super visum corporis of one slaine by misfortune, by one as he was shooting at the Butts.*

Inquisitio indent. capta apud B. in Com. &c. die & anno &c. coram R. H. armig. uno Coron. diæ dominæ Reg. in Com. præd. super visum corporis I. C. nuper de R. in Com. præd. **Labourer**, ad tunc & ibidem super terram mortui jacen. per sacrament. I. B. senior. I. H. &c. ac de tribus alijs villat. propinquior. viz. de M. R. & E. in Com. præd. ad inquir. qualiter & quomodo præd. I. L. ad mortem suam devenit; Qui super sacramentum suum præd. dicunt, quod cum quidam C. W. nuper de Civitate C. in Com. Civit. C. **Shereman**, cum multis alijs 2. die &c. anno &c. 6. suprad. circa horam primam post meridiem ejusdem 2. diei apud B. præd. in Com. C. præd. in pace Dei ac dominæ Reginæ exist. ac ibidem ad metas Anglice voc. **Butts**, sagittant. ad tunc & ibid. venit præd. I. E. ad metas præd. ac cum præd. C. W. ad ipsas metas inter sagittand. fuit, ipse I. E. obiter & improvise posuit se inter metas præd. sic quod præd. C. W. sagittant. ad metas præd. cum quadam sagittâ pretij &c. dicto secundo die Iulij, ac hora & loco supradictis, per infortunium percussit præd. I. E. in gutture suo dans ei mortalem plagam in profunditate duos pollices, super quam quidem plagam ipse I. E. à prædict. secundo die Iulij usque ad quintum diem ejusdem mensis apud R. præd. in Com. Cestriæ præd. languidus jacebat ac in eodem quinto die mensis Iulij præd. ipse I. E. apud T. præd. in Com. Cestriæ præd. de prædicta plaga modo & forma præd. moriebatur. Ac etiam Iuratores præd. super sacramentum suum præd. dicunt, quod præd. C. W. dicto secundo die Iulij aut aliquo tempore post eundem secundum diem mensis Iulij non habuit aliqua bona seu catalla infra prædict. Com. Cestr. In cuius rei testimonium utrisque partibus hujus Inquisitionis tam præd. Coronat. quam præd. Iur. sigilla sua posuer. die & anno primo suprad.

10. *An Endictment of Manslaughter before a Coroner against many, some for striking of the party slaine, and some others for comforting and aiding of them being present, and some as accessaries after the fact committed: and that diverse of them fled.*

Inquisitio capta apud Cestr. infra Wardam Castri domini Regis ibid. die veneris prox. post festum Apostolorum Simonis & Iudæ Anno Regni Regis Richardi tertij post conquestum Angliæ secundo, coram T. H. & I. I. Coron. dicti domini Regis Hund. de B. in Com. Cestriæ

Cestriæ super visum corporis *I.C.* felon. interfecti, per sacramentum &c. Qui dicunt super sacramentum suum quod *T.W.* nuper de *M.* in Com. Cest. *yeoman*, *R.B.* nuper de *M.* in Com. Cestr. armiger, *M.B.* nuper de *M.* &c. & alij &c. die Sabbati prox. post festum Exaltationis sanctæ Crucis, Anno Regni Regis *R.* 3. post conquestum Angliæ secundo, apud *H.* in Com. Cestr. vi & armis, viz. gladijs &c. & contra pacem domini regis, dicto die Sabbati & anno præd. apud *H.* præd. in & super præd. *I.C.* insultum fecerunt, & præd. *T.W.* tunc & ibid. præd. *I.C.* super caput suum usque ad cerebrum cum quodam gladio pretij &c. felonice percussit, & dedit ei plagam mortalem unde obiit die veneris prox. post festum Sancti Michaelis Arch. tunc prox. sequente apud Cestr. prædict. infra Wardam Castri domini Regis ibid. Et sic præd. *T.W.* ipsum *I.C.* dict. die Sabbati & anno apud *H.* præd. felon. interfecit. Et quod prædict. *R.B.* eisdem die & anno apud *H.* præd. vi & armis &c. felonice percussit prædict. *I.C.* super tibiam suam dextram cum quodam gladio pretij, &c. & dedit ei plagam mortalem unde obire debuisset, si non obiisset de ictu quem prædict. *T.W.* ei prius dederat; Et sic prædictus *R.B.* ipsum *I.C.* dict. die Sabbati & anno, apud *H.* prædict. felonice interfecit. Et quod præd. *M.B.* *I.H.* *I.M.* & *R.C.* dict. die Sabbati & anno, apud *H.* præd. felonice fuer. præsent. auxiliantes, confortantes, & abbettantes præd. *T.W.* ad feloniam præd. in forma præd. faciend. vi & armis, & contra pacem dicti Domini Reg. &c. Et quod *I.B.* nuper de *M.* in Com. Cestriæ gen. frater *R.B.* mil. jam defuncti, *T.B.* nuper de *M.* in Com. Cestriæ gen. frater præd. *I.* *H.B.* nuper de *M.* in Com. Cestr. sen. gen. frater præd. *T.* *W.B.* nuper de *M.* in Com. Cestriæ gen. filius præd. *R.B.* milit. jam defuncti, &c. eisdem die Sabbati & anno apud *H.* præd. in Com. Cestr. præd. fel fuer. vi, auxil. & consilio, abbettan. præd. *T.W.* & *R.B.* ad fel. præd. in forma præd. faciend. vi & armis, & contra pacem dicti domini regis. Et quod *W.E.* nuper de *E.* in Com. Cestriæ gen. *R.H.* nuper de *M.* in Com. Cestr. *yeoman*, *I.H.* nuper de ead. in Com. præd. *yeoman*, &c. die Lunæ prox. post festum Sancti Michael. Arch. anno regni regis *R.* 3. post conquestum Angliæ secundo, apud *M.* in Com. præd. fel. assistaver. receptaver. & confortaver. præd. *I.W.* & *R.B.* scientes ipsos *I.* & *R.* felon. præd. in forma præd. felon. fecisse, contra pacem domini regis &c. Item dicunt Iurat. præd. quod *T.W.* *R.B.* *M.B.* *I.H.* &c. post felon. præd. fact. die Mercur. prox. post festum Michael. Archangel. anno suprad. fugerunt, & seipsos retraxerunt à Com. Cestr. usque villam de Whitchurch in Com. Salop. felon. vi & armis, & contra pacem domini Regis. In cujus rei testimonium &c.

Judgement, ut
supra.

11. *An Indictment for killing of one in his owne defence, taken
super visum corporis.*

INquisitio capta apud S. in Com. præd. die & anno &c. coram R.T. uno Coronat. dicti domini Regis in Com. præd. de & super visum corporis A.B. de C. in Com. præd. **ycoman**, ibid. jacent. interfecti & mortui, per sacramentum 12. &c. Qui dicunt super sacrament. suum, quod ubi quidam I.G. nuper de &c. in Com. præd. **Husbandman** fuit in pace Dei & dicti domini regis nunc apud C. præd. 4. die Maij Anno &c. circa horam quartam post meridiem ejusdem diei, venit prædict. A.B. ex malitia sua præcogitata & in ipsum I.G. adtunc & ibidem insultum fecit, & ipsum ibidem verberasse & interfecisse voluit, contin. insultum illum à domo cujusdam T.B. in C. præd. usque quendam locum voc. &c. in Com. præd. et idem I.G. videns ipsum A.B. tam malitiosè disposit. fugit usque quendam murum in dicto loco vocat. B. quem murum ob metum mortis suæ evad. non potuit, sicque idem I.G. in salvatione vitæ ejus erga præf. A.B. remanebat ad se defendend. erga ipsum A.B. & cum quodam cultello, voc. a **wood knife**, pretij &c. quod tunc tenuit in manibus suis in defensione sua eundem A.B. super sinistram partem capitis sui percussit, dans eidem A.B. tunc & ibidem quendam ictum, unde idem A.B. languebat usque horam decimam in nocte præd. diei, qua nocte idem A.B. obiit. Et sic idem I.G. ipsum A.B. adtunc & ibidem se defendendo interfecit. In cujus rei testimonium &c.

12. *An Inquisition taken before a Coroner finding that R.H.
was rowing in a boat upon the River of Severne, and
suddenly fell out of the Boat and so was
drowned.*

INquisitio indentata capta apud Worcester in Comit. præd. primo die Augusti, Anno regni excellentissimæ principissæ Mariæ primo, &c. coram G.H. gen. uno Coron. dictæ dominæ Reginae comitatus prædicti ad inquirend. qualiter & quomodo quidam **Richardus Hacheks** in Com. præd. **Husbandman** adtunc & ibidem jacens mortuus, ad suam mortem devenit, per sacramentum proborum & legalium hominum villæ de W. præd. & trium aliarum villat. propinuar. viz. N.B. & D. sc. per sacramentum R.L. &c. Qui dicunt quod ita accidit apud W. prædict. in Com. prædict. 30. die Iulij anno supradicto, quod præd. R.H. fuit remigrans in Lintre (vocato a **Bote**) super aquam Sabrinæ, & in remigratione præd. præd. R.H. ex infortunio repentè cecidit de eodem in aquam præd. & submersus fuit: Et sic dicunt quod idem R.H. ad mortem suam devenit, & non aliter nec alio modo; Et quod præd. Linter attachat. est eò quod fuit causa seu occasio mortis suæ, & appretiatur ad 4. solid. 4. denar.

denar. & remanet in custod. *W.H.* In cujus rei testimonium tam sigilla præd. Iurat. quam sigillum præd. Coronat. huic præsentî Inquisitioni indentatæ fuerunt appens. dat. die & anno prius supradicta.

13. *An Inquisition before a Coroner where it is found that a woman killed her selfe with a knife.*

Inquisitio indentata capta apud A. in Com. præd. die & anno &c. coram I. A. uno Coronat. ejusdem domini regis super visum corpor. K. uxor. G.S. ad tunc & ibidem mortui jacen. per sacramentum proborum & legalium hominum de A. præd. & trium villat. propinquar. viz. &c. ad inquirend. qualiter & quomodo eadem K. ad mortem suam devenit, viz. per sacramentum &c. Qui electi, jurati, & triati ad veritat. inde dicend. per prædict. A.B. eorum prolocutorem dicunt super sacramentum suum, quod præd. K. Deum non habens præ oculis suis, sed instigatione diabolica seducta, die &c. anno &c. apud W. in Com. præd. cum quodam cultello pretij 3. denar. seipsam felonice percussit in dextra parte gutturis sui ad profunditatem decem pollicium, unde eadem K. languebat ab eodem die usque ad diem &c. extunc proximè sequen. & tunc moriebatur; Et sic dicunt quod eadem K. per præd. ictum ad mortem suam devenit & non aliter, & nihil habuit in bonis. In cujus rei testimonium &c.

14. *An Indictment of felony for the Rape of a Maide.*

Iuratores præsentant pro domino rege quod B. C. de E. in dicto Comitatu **Taberner**, quinto die Octobris Anno Regni dicti domini nostri Caroli Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ regis, fidei defensoris, &c. 13. apud E. prædict. in dicto Comitatu in quodam loco ibidem, vocat. **le Bowze**, vi & armis in quandam A.K. de E. prædict. in comitatu prædicto virginem, ætatis sexdecem annorum, tunc ibidem in pace Dei & dicti domini regis existentem, insultum fecit, ac tunc & ibidem eandem A. contra voluntatem ipsius A. felonice rapuit & carnaliter cognovit, contra pacem dicti domini regis nunc, ac contra formam statuti, in hujusmodi casu, provis. & edit.

Judgement to
be hanged,
clergie not to
be allowed.

15. *For the Rape of a Mayde upon the statute of Anno 13. E. 1.*

Iuratores pro domino rege &c. præsentant, quod quidam I. B. nuper de A. &c. **yeoman**, tali die & anno, apud D. in Com. F. præd. vi & armis &c. in Io. O. ancillam insultum fecit, & eandem I. O. ad tunc & ibidem confimili vi ac contra voluntatem suam felonice rapuit & carnaliter cognovit, contra pacem dicti

dicti Dom. Reg. &c. ac contra formam statut. in huiusmodi casu *Judgement, as supra, in 14. No clergie.*
edit. & provis.

16. For taking away a woman against her will, that hath lands.

Iuratores presentant pro domino Reg. &c. quod *A.B.* de *C.* in dicto Comitatu **Singing man**, secundo die Aprilis, Anno regni dicti domini nostri Caroli Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, fidei defensor. &c. 13°. vi & armis in domum mansionalem cuiusdam *H.B.* de *C.* in Comitatu prædicto viduæ infra parochiam de *C.* præd. in Com. præd. intravit (quæ quidem *H.B.* tunc sesita fuit in dominico suo ut de feodo de & in diversis terris & tenementis in *C.* præd. in Comitatu prædicto clari annui valoris decem librarum ultra omnes reprisas existentibus) ac immediate postea, viz. dicto secundo die Aprilis anno supradicto, idem *A.B.* præd. *H.B.* tunc ibidem in dicta domo sua in pace Dei ac dicti dom. reg. existentem, ex dicta domo sua mansionali contra voluntatem ipsius *H.B.* illegitimè ac felonice extraxit, eripuit, & abduxit; ac eandem *H.B.* postea, scilicet 3. die dicti mensis Aprilis anno supradicto, in ecclesia parochiali de *C.* præd. in Com. præd. cepit in uxorem suam, ubi idem *A.B.* dicto tempore extractionis & abductionis prædict. non clamavit nec clamare potuit eandem *H.B.* tanquam Wardam suam, aut tanquam nativam suam; In magnam pacis dicti dom. reg. nunc perturbationem, ac contra formam cuiusdam statuti in parlamento Dom. Henr. nuper Regis Angliæ 7. reg. to anno regni sui tertio in huiusmodi casu provis. et edit.

Judgement, as be hanged.

17. For pulling out of a mans Eyes.

Iuratores pro domino Rege presentant, &c. quod *A.B.* de *C.* in dicto Comitatu **Tinker**, nono die Septembris, Anno Regi dicti domini nostri Caroli Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis, fidei defensoris &c. 13°. in quodam loco apud *C.* prædict. in Com. prædict. (vocato **le Deane**) vi & armis in quendam *D.E.* de *C.* prædicta in Comitatu prædicto **yeoman**, in pace dicti domini regis tunc ibidem existentem, insultum fecit, ac tunc & ibidem ex malitia sua præcogitata, digitis & unguibus digitorum ipsius *A.B.* oculos ipsius *D.E.* felonice effodit ac eruit; contra pacem dicti domini regis nostri, coronam & dignitatem suam, ac contra formam statut. in huiusmodi casu provis. & edit.

Judgement, as supra.

18. For cutting out of Tongues.

Judgement, ut
supra,

Iuratores &c. dicunt quod cum per statut. in parlamento Domini Regis *H.* nuper Regis Angliæ quarti, anno regni sui quinto, apud *W.* tento edit. ordin. sit, quod malefactores, qui linguas amputarent vel oculos evellerent ligeorum domini Regis, hoc debite comperto & probato quod tale factum ex malitia præcogitata fuit perpetratum, poenam felonix incurrerent, prout in eodem statuto plenius continetur: quidam tamen *I.L.* de &c. poenam in dicto statuto contentam minimè verens, die &c. anno &c. vi & armis, scilicet &c. felonice ut felo dicti domini regis insidiand. & insultu præmeditat. contra pacem domini Regis nunc coronam & dignitatem suam, in illa sua præcogitata malitia venit, apud *H.* in Com. *H.* & in quendam *M.M.* adtunc & ibid. in pace Dei & domini Regis existent. insultum fecit, & ipsum verberavit, vulneravit, ac quodam cultello (quem præd. *I.L.* adtunc tenuit in manu sua dextra pretij 2.s.) linguam ipsius *M.* adtunc & ibid. felonice eruit & amputavit, contra pacem domini regis &c. & contra form. & provis. statut, præd. &c.

19. For a Burglarie in a Church.

Judgement, ut
supra.

No Clergie.

Iuratores præsentant pro domino rege &c. quod *A.B.* de *C.* in Comitatu prædicto **Sayler**, primo die Septembris, Anno Regni dicti domini nostri Caroli Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Reg. fidei defensor. &c. 13°. vi & armis Ecclesiam parochialem de *C.* prædicta in dicto Comitatu felonice & burglariter fregit & intravit noctanter, viz. inter horas decimam & undecimam post meridiem ejusdem diei, ac unum calicem argenteum, (Anglicè vocat. a **Communion Sup**) ad valentiam 60. solidorum, de bonis & catallis parochianorum de *C.* prædicta, adtunc existentem in eadem ecclesia & tunc ibidem inventum, felonice cepit & asportavit, contra pacem dicti domini regis nostri nunc, coronam & dignitat. suam.

20. For Burglarie in a dwelling house.

Iuratores pro domino rege præsentant quod *T.S.* de *W.* in dicto Comitatu **Tayler**, quarto die mensis Februarij, Anno regni dicti domini nostri Caroli Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, fidei defensoris, &c. 13°. vi et armis domum mansionalem cujusdam *M.G.* de *W.* prædicta in dicto Comitatu **Butcher**, noctanter (viz. inter horas decimam et undecimam post meridiem ejusdem diei) quadam Iohanna uxore ipsius *M.G.* tunc in eadem domo in pace Dei et dicti domini regis existente, felonice et burglariter fregit et intravit, et viginti libras legalis monetiæ Angliæ de bonis prædicti *M.G.* in quadam crumena in dicto domo existent. invent.

invent. tunc et ibidem felonice cepit & asportavit, contra pacem dicti domini regis nunc, coronam & dignitatem suam.

Judgement, as
supra.
No clergy

21. *For Burglarie in a dwelling house in the night time, for taking out of money out of a Chest, and for the accessories before the offences, and the accessories after.*

I Vratores pro Dom. reg. super sacramentum suum dicunt & presentant, quod *I. H.* nuper de *H.* in Com. præd. **yeoman**, 16. die Maij, Anno Regni Regis Eliz. &c. 34. vi & armis, &c. domum mansionalem cuiusdam *P.* armigeri apud *H.* præd. in Com. E. præd. circa horam decimam in nocte ejusdem diei, felonice et burglariter fregit & intravit, et quadraginta libras in pecunijs numeratis de bonis & catallis præd. *P.* in quadam cista in domo prædicta adtunc existent. invent. felonice cepit & asportavit, contra pacem dictæ dominæ Reg. &c. Et quod quidam *Christopherus G.* nuper de *H.* præd. in Com. S. præd. **yeoman**, ante feloniam & burglar. præd. per ipsum *T. H.* in forma prædicta fact. et perpetrat. viz. sexto die Maij anno 14. suprad. eundem *T. H.* apud *H.* præd. ad felon. et burglar. præd. in forma præd. faciend. felonice excitavit, abbetavit, & procuravit, contra pacem dictæ dominæ Reg. nunc, coronam & dignitatem suam. Et quod quidam *I. R.* nuper de *C.* in Com. S. præd. **yeoman**, sciens præfat. *T. H.* feloniam prædict. in forma prædicta sic fecisse & perpetrasse, eundem *T. H.* dicto decimo die Maij anno supradicto post felon. præd. per ipsum *T. H.* sic factam & perpetratam, apud *H.* prædict. in Comitatu S. præd. felonice receptavit, confortavit, & hospitatus est, contra pacem dictæ dom. Reginae, coronam & dignitatem suam.

Judgement, as
supra.
No clergy

22. *For Burglarie in a dwelling house in the night time, for the assaulting and putting in feare of them in the house, and for taking of money out of a Chest.*

I Vratores pro domina Reg. presentant, quod *N. H.* nuper de *G.* in Com. E. præd. **yeoman**, et *T. E.* nuper de *M.* in Com. præd. **yeoman**, decimo die &c. inter horas undecimam et duodecimam in nocte ejusdem diei, vi & armis, &c. domum mansionalem cuiusdam *R. B.* apud *W.* in prædict. Com. E. felonice et burglariter fregit et intraverunt, et in ipsum *R. B.* adtunc et ibidem in eadem domo, in pace Dei et dictæ dominæ Reg. existent, insultum fecerunt, et eundem *R.* adtunc et ibidem in timore corporali vitæ suæ posuerunt, ita quod de vita sua desperabatur, et 40. l. in pecunijs numeratis in quadam cista infra domum præd. adtunc existent. de bonis catallis et pecunijs cuiusdam *I. B.* adtunc et ibidem invent. felonice et burglariter ceperunt et asportaverunt, contra pacem, &c.

Judgement, as
supra.
No clergy

ut supra.

23. *For Burglary in a dwelling house in the night time, the taking away of a silver salt, money, and three silver Rings.*

Judgement, ⁱⁿ
supra.
No Clergie.

Inquiratur pro domina Regina si *W. H.* nuper de *S.* in Comitatu *D.* **Dyer.** *R. C.* nuper de *M.* in Com. *W. yeoman*, *T. C.* nuper de *M.* prædict. in Com. *W.* præd. **yeoman**, et *T. L.* aliàs dictus *L.* nuper de *M.* præd. in præd. Comitatu *W. yeoman*, & *T. P.* nuper de *C.* in Comitatu *S. yeoman*, ultimo die Octobris, Anno Regni Reginae *Eliz. &c.* quarto, circa horam undecimam in nocte ejusdem diei, vi & armis, &c. domum mansionalem cujusdam *M. P.* viduæ apud *C.* in præd. Comitatu *S.* felonice & burglariter fregerunt & intraverunt, & unum salinum argenteum, vocat. **a silver salt**, ad valentiam quinquaginta solid. 10. l. in pecunijs numeratis, & tres annulos argenteos valoris 6. s. de bonis, catallis, & pecunijs præf. *M.* ad tunc & ibidem invent. felonice ceperunt & asportaverunt, contra pacem &c. *ut supra.*

24. *For Burglary in a dwelling house in the night time, a woman then being in the house and for taking away of 20. l. out of a Cupboard in the house.*

Judgement, ⁱⁿ
supra.
No Clergie.

Iurator. pro domina reg. &c. præsent. quod *T. S.* de *W.* in dicto Com. *E. Taylor*, quarto die mensis Febr. Anno regni dictæ dominæ nostræ *Eliz. Dei gratia Angliæ, Franciæ, & Hiberniæ Reg. fidei defensor. &c.* vicesimo nono, vi & armis, &c. domum mansionalem cujusdam *M. G.* de *W.* præd. apud *S.* in dicto Com. **Butcher**, noctanter (viz. inter horas decimam & undecimam post meridiem ejusd. diei) quadam *I.* uxore ipsius *M. G.* tunc in eadem domo in pace Dei & dictæ dominæ Reginae existente, felonice & burglariter fregit & intravit, & viginti libras legalis monetæ Angliæ de bonis præd. *M. G.* in quodam abaco in dicta domo existente inventas, tunc & ibid. felonice cepit & asportavit, contra pacem dictæ dom. Reginae nunc, coronam & dignitatem suam.

25. *For Burglary in a dwelling house in the night time, for assaulting and putting in feare of them in the house, intending to kill or rob them in the house, and the accessaries before the offence committed.*

Inquiratur pro domina regina si *F. M.* nuper de *M.* in Com. *D.* **Joyner**, duodecimo die Aprilis, Anno &c. circa horam duodecimam in nocte ejusdem diei, vi & armis, &c. domum mansionalem cujusdam *T. C.* fen. apud *C.* in Com. *S.* præd. burglariter & felonice fregit & intravit, & super quosdam *R. S.* & *I. B.* ad tunc & ibidem in pace Dei & dictæ dominæ Reginae existent. insultum fecit, & eosdem

R. &c.

R. & I. in corpor. timore vitar. suar. posuit, ea intentione ad interficiend. vel saltem ad spoliand. præd. T. C. de bonis & pecunijs suis ad grave damnum ipsius T. & contra pacem dictæ dominæ Reg. &c. *ut supra.* Et si G.B. nuper de C. præd. in Com. præd. **weaver**, ante feloniam præd. in forma præd. sic fact. & perpetrat. eundem F.M. *Judgement, as supra.* apud C. præd. in Comitatu D. prædict. viz. vicesimo die Ianuarij, Anno &c. (*ut supra*,) ad feloniam præd. in forma præd. sic faciend. *No Clergie.* felonice excitavit, abbettavit, & procuravit, contra pacem dictæ dominæ Reginae, &c. *ut supra.*

26. *An Indictment for robbing of a Church of diverse and severall things in the same.*

INquirat. &c. si I. M. nuper de D. in Com. M. & R. H. nuper de Lead. villa & Com. præd. **yeoman**, 13. die Maij, anno &c. vi & armis, viz. gladijs, bac. & cultellis, Eccles. parochial. omnium Sancto- rum de E. apud E. in Com. præd. circa horam 12. in nocte ejusdem diei felonice freger. & intraver. & duos calices de argent. deaurat. & duo vestimenta de nigro **velvet**, voc. **Eopes**, tres pannos lineos voc. **Altar-Clothes**, unam tunic. fixam super imag. beatæ Mar. infra eandem Ecclesiam cum diversis annulis de auro & lapid. pretiosis in eisdem annex. & affix. ad valenc. 20. l. ac 20. s. in pecun. numeratis de bonis, ornamentis, & denarijs parochianorum de E. præd. in custod. I.B. & T.B. custod. & guardian. bonor. ornamentor. & denar. parochian. parochiæ de E. præd. tunc & ibidem existen. extra custod. *Judgement, as supra.* dictor. guardian. extra Eccles. præd. ad tunc & ibid. felonice furati *No Clergie.* sunt, ceper. & asportaver. contra pacem dicti domini regis, &c. ac contra formam statuti in hujusmodi casu edit. & provis.

27. *An Indictment of Burglary by a woman in the night time, putting the household in feare, intending to have robbed them.*

INquirat. pro dom. Reg. si O. I. de G. in Com. C. **Spinster**, sexto die Aprilis, Anno &c. apud C. præd. in Com. præd. noct. viz. circa horam undecimam post meridiem ejusdem diei domum cujusdam I.B. apud C. præd. vi & armis &c. felon. ac burglariter fregit & intravit, ea intentione ad furand. bona & catalla ipsius I. ac eundem I. in pace Dei & dictæ dominæ Reginae ad tunc & ibid. in lecto suo existen. felonice & burglariter in timore vitæ suæ posuit contra pacem dict. dom. Reg. cor. & dignitat. suas. *Judgement, as supra.* *No Clergie.*

28. *An Indictment of Burglary for breaking of a dwelling house in the night time, and the putting of them in the house in feare, and for the felonious taking out of the said house 1100.l. in mony, and a Chalice of Silver parcell gilt.*

Judgement, *us supra.*
No clergie.

INquirat. pro domina Regina, si T. W. de B. in Comit. &c. sexto die &c. Anno &c. circa horam primam in nocte ejusdem diei, vi & armis, videlicet gladijs, &c. domum mansionalem cujusdam I. B. apud W. in Com. præd. felonice & burglariter fregit & intravit, ac ipsum I. B. ad tunc & ibid. in eadem domo mansionali in corpor. timore posuit, ac mille & centum libr. legalis monetæ Angliæ in pecunijs numeratis, & unum calicem argent. parcell. aurat. voc. **a Chalice of Silber parcell gilt**, ad valent. 4.l. de denarijs & de bonis & catallis præd. I. B. in eadem domo mansionali ad tunc & ibidem invent. felonice cepit & asportavit, contra pacem dictæ dominæ Reg. coron. & dignitat. suæ.

29. *An Indictment for breaking of a Barne, and taking out of it foure bushels of Barley.*

Judgement, *us supra.*
No clergie.

Iuratores pro domino Rege præsentant, &c. quod I. S. de B. in Com. C. præd. **yeoman**, die &c. Anno &c. horæ cujusdam I. C. de **Sutton** magn. in Com. præd. circa horam decimam in nocte ejusdem diei, vi & armis, videlicet gladijs, &c. felonice & burglariter fregit & intravit, & quatuor modios hordei (Anglicè voc. **a quarter of Barley**) ad valent. 6.s.4.d. de bonis & catallis prædicti I. C. ad tunc & ibid. invent. burglariter & felon. cepit, abduxit, & asportavit, contra pac. &c.

30. *An Indictment against one for procuring one to commit a burglary and robbery in a house.*

Iurator. &c. præsent. Quod I. W. nuper de L. Clericus, aliàs dict. &c. tali die & anno &c. apud parochiam M. magn. infra sanctuar. ibidem in warda de A. *London* malitiosè & felonice abbettavit & procuravit P. W. de &c. ad felonice frangend. & intrand. in domum W. Prior. hospitalis sancti Iohannis Ierusalem in Anglia apud **Saint Johns Clarkenwell**, in præd. Com. Midd. infra præd. hospitale præd. Prioris ibid. & ibid. felon. furand. capiend. & asportand. unum ciphum argenteum & deaurat. vocat. **a Goblet**, dicti Prioris ad valent. &c. & unam ollam argen. parcell. deaurat. ejusdem Prioris ad valent. &c. & alia bona præd. Prioris ibidem existent. Quarum quidam abbettationis & procurationis prætextu præd. R. die &c. vi & armis, &c. domum mansionalem dicti Prioris apud &c. infra hospitale præd. in Comit. &c. circa horam secundam in aurora & ante meridiem

meridiem ejusdem diei burglariter & felonice fregit, & prædict. Ciphum de argent. deaurat. (vocat. **a goblet**) ad valent. 100. s. & præd. ollam argent. parcell. deaurat. ad valent. 10. s. ac alia bona ejusdem Prioris, viz. duo salina de argent. & deaurata ad valent. &c. de bonis & catallis dicti Prioris ad tunc & ibidem invent. felonice furat. fuit, cepit, & asportavit, contra pacem &c. Judgement, to be hanged.

31. *An Indictment of Burglarie, and for hanging up the good man of the house by the Thumbes upon a Beame with pot-hooks, and for binding with Cords the good man of the house and his wife, and for taking out of a Chest five pounds in mony.*

Iurator. &c. præsent. quod G. C. nuper de M. in Com. Cestriae & alij ignoti 16. die Martij, Anno Regni Edwardi sexti Dei gratia Angliae, &c. quinto, circa horam undecimam in nocte ejusdem diei apud A. in Com. C. domum cujusdam R.W. vi & armis, viz. baculis, gladijs, & dagarijs burglariter & felonice fregerunt & intraverunt, ea intentione, ad spoliand. & deprædandum prædict. R.W. & in prædict. R.W. ac R.W. filium suum, & Ioh. uxor. ejus ad tunc & ibidem insultum fecerunt & ipsum R.W. cum quodam instrumento voc. **pot-hooks** pollices ipsius R.W. super trabem (vocat. **a Beame**) domus prædictæ ipsum ad tunc & ibid. suspenderunt, & prædict. R.W. & Ioh. uxor. ejus cum funibus ligaverunt, & 100. s. in pecunijs numeratis in quadam cista content. de bonis & catallis prædicti R.W. ad tunc & ibidem invent. felonice ceperunt, asportaverunt, & spoliaver. vi & armis, ac contra pacem dicti domini Regis, coronam & dignitatem suas. Judgement, as supra. No Clergie.

32. *An Indictment for breaking of a house in the day time, and taking of six pounds out of a Chest, and against one for ayding and comforting the said felon.*

Iuratores pro Domino Rege præsent. &c. quod R.C. de D. &c. die &c. anno &c. vi & armis, &c. domum P.S. apud G. in Com. præd. circiter horam primam post meridiem ejusdem diei (eodem P.S. in eadem domo tunc existente) felonice fregit & intravit, ac 6. l. in pecunijs numerat. de bonis & catallis præd. P.S. ad tunc & ibidem invent. felonice cepit & asport. contra pacem &c. Ac quod G.L. &c. sciens præfat. R.C. felon. præd. modo & forma præd. fecisse, eundem tamen R.C. apud G. præd. in Com. præd. die & anno suprad. felonice confortavit & concealavit, contra pacem &c. Judgement, as supra. No Clergie for the principall.

33. *An Indictment for stealing Cloth out of a Booth in a market.*Indgement, *as*
supra.

No clergie.

Iurat. pro Domino Rege &c. dicunt & præsentant, quod *A. B.* de *C.* in Com. E. **peoman**, die &c. anno &c. apud *I.* in Com. Dublin. præd. vi & armis, viz. gladijs &c. in aperto mercato tento apud *I.* præd. die & anno supradict. viginti ulnas panni lanei, coloris rubri, pretij viginti solid. de bonis & catallis *I. S.* in quodam stallo (Anglicè **a Booth**) ejusdem *I. S.* in præd. mercato apud *I.* præd. existent. invent. felonice furatus est, cepit, et asportavit, (præd. *I. S.* tunc & ibidem in stallo præd. existente) contra pacem dicti domini regis, coronam & dignitatem suas, ac contra formam statut. in hujusmodi casu edit. & provif.

34. *For robbing of one in the high way.*Judgement, *as**supra.*

No clergie.

Inquir. pro Dom. Reg. si *A. B.* de *C.* in Com. E. **Marriner**, sexto die Mensis Octobris, Anno Regni dictæ dominæ nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defensor. &c. tricesimo quinto, vi et armis, viz. cum gladio & pugione (ad valentiam 10 s.) districtis, inter horas septimam & octavam ante meridiem ejusdem diei, in alta via Regia juxta quendam locum vocat. **Gads hill**, infra parochiam de *E.* in Com. E. præd. in & super quendam *I. S.* de *B.* in Com. E. præd. **Pettie Chapman**, tunc & ibidem in pace Dei & dictæ dominæ Reginæ existentem, insultum fecit, & ipsum *I. S.* tunc & ibidem cum dicto gladio percussit & vulneravit, & 20 s. legalis monetæ in crumena ipsius *I. S.* existentes, de bonis & catallis præd. *I. S.* ad tunc & ibidem inventos à persona ipsius *I. S.* tunc & ibidem violenter & felonice cepit & asportavit, in magnum præd. *I. S.* terrorem, ac contra pacem dictæ dominæ Reg. coronam & dignitatem suas.

35. *An Indictment for a Robberie done by the high way upon the person of one.*Judgement, *as**supra.*

No clergie.

Iur. præsent. &c. quod cum *I. B.* de *L. gen.* 13. die &c. Anno &c. fuit in pace Dei & dicti domini Regis in regia via apud paroch. sancti *E.* in Com. M. ibid. eodem die & anno venerunt *I. M.* de *D.* in Comitatu **M. peoman**, & **R. H.** de eadem in Com. præd. **peoman**, vi & armis, viz. &c. felon. ut felones dicti domini regis, ac tunc & ibidem in præd. *I. B.* consimili vi & armis &c. felonice insultum fecerunt, & ipsum verberaver. & muletractaver. ita quod de vita ejus desperabatur, ac viginti solid. in pecun. numeratis de bonis & catallis ipsius *I. B.* ad tunc & ibid. invent. à persona præd. *I. B.* in via Regia præd. vi & armis &c. felonice ceper. & asport. contra pacem dicti domini Reg. ac contra formam statut. in hujusmodi casu edit. & provif.

36. *For*

36. *For the taking of a Purse privily from the person.*

Iuratores pro Domino Rege præsent. quod *I. S.* nuper de *A.* in dicto Comitatu **Taylor**, sexto die Iulij, Anno Regni dicti domini nostri Caroli Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, fidei defensoris, &c. 13. apud *A.* præd. in Com. præd. in quodam loco ibidem vocato **the Elmes**, vi & armis in quendam *R. M.* de *A.* prædicta in Comitatu prædicto **Grocet**, insulcum fecit & viginti solid. in pecunijs numeratis in crumena ipsius *R. M.* tunc & ibidem existentes inventos de præd. crumena ipsius *R. M.* tunc & ibidem à persona ipsius *R. M.* (clam & insciente ipso *R. M.*) felonice cepit & asportavit, contra pacem dicti Domini Regis, coronam & dignitatem suas. Iudgement, as
supra.

37. *An Indictment for cutting of a Purse and twenty shillings in it.*

Inquir. &c. si *T. C.* de &c. **Labourer**, die &c. vi & armis &c. apud *C.* in Com. &c. 20. s. in pecunijs numeratis in quadam crumena existent. de bonis & catallis cujusdam *T. D.* ad tunc & ibid. invent. à persona præf. *T. D.* cum quodam cultello ad valentiam &c. quem idem *T. C.* in manu sua dextra ad tunc & ibidem habuit & tenuit, felon. scidit, furat. fuit, & asport. contra pac. &c. Iudgement, as
supra.

38. *Against the stealer of a Horse and a Mare and his accessory after the fact.*

Iuratores pro domino Rege præsentant, &c. quod *A. B.* nuper de *C.* in dicto Comitatu **Gelder**, 29. die Augusti, Anno regni domini nostri Caroli, Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, fidei defensoris &c. 13. vi et armis, quoddam stabulum in domo mansionali cujusdam *I. S.* infra parochiam de *C.* prædicta in Comitatu prædicto existens fregit ac intravit, & unum spadonem (Anglice vocatum a **Gelding**) coloris albi, pretij sex librarum, & unam equam coloris nigri, pretij 30. solid. de bonis et catallis ipsius *I. S.* tunc ibidem existentes inventos, felonice cepit & asportavit, contra pacem dicti domini regis, coronam et dignitatem suas. Et quod *R. H.* nuper de *C.* præd. in Comitatu præd. **Horsecourser**, sciens præfatum *A. B.* feloniam prædictam apud *C.* prædict. modo et forma præd. fecisse & perpetrasse, eundem tamen *A. B.* apud *C.* præd. in comit. prædicto tricesimo die dicti mensis Augusti, anno supradict. felonice recepit, et hospitio, potu, et cibo auxiliatus est, post feloniam prædictam sic per ipsum *A. B.* ut præfertur, factam et commissam, contra pacem dicti domini nostri regis nunc, coronam ac regiam dignitatem suas. Iudgement, as
supra.
No clergie for
the principall,

39. *Against the stealer of a Cow, and his Accessary before.*

Iuratores pro Domino Rege præsent. &c. quod *A. B. de C.* in dicto comitatu **Shoomaker**, primo die Iulij, Anno Regni domini nostri Caroli, dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ regis, fidei defensoris &c. 13. in quodam loco infra parochiam de C. prædicta in comitatu prædicto vocat. **the Cowpasture**, vi & armis, clausum cujusdam *I. S. de D.* in Com. prædicto **yeoman** fregit & intravit, & quandam vaccam coloris nigri, pretij 40. solidorum, de bonis & catallis prædicti *I. S.* tunc ibidem inventam felonice cepit, furatus est, & abduxit, contra pacem dicti domini regis nunc, coronam & dignitatem suas. Et quod quidam *G. H. de C.* prædicta in dicto comitatu **Butcher**, ante feloniam prædictam, scilicet eodem primo die Iulij, Anno supradicto, eundem *A. B.* apud C. prædict. in comitatu prædicto ad feloniam prædictam faciendam & perpetrandam, malitiose, & felonice excitavit, persuasit, & procuravit, contra pacem dicti domini Regis, coronam & dignitatem suas.

Judgement, *supra.*

40. *For pulling of sheepe.*

Inquir. pro Dom. Reg. si *M. H.* nuper de C. in Comitatu E. **Labourer**, 13. die Maij, anno &c. clausum cujusdam *H. C.* apud C. præd. in Com. E. præd. fregit & intravit, ac lanam quatuor ovium valor. 4. s. de bonis & catallis dict. *H. C.* apud C. præd. in Com. E. præd. à corporibus ovium præd. ad tunc & ibidem existen. expilabat, & ipsam lanam sic evulsam felonice cepit & asportavit, contra pacem dict. domini Regis, &c.

Judgement, *supra.*

41. *For the felonious taking of a Purse and money and gold in it, from the person of a man.*

Inquir. pro dom. Reg. si *N. H.* nuper de S. in Com. M. **Miller**, 16. die Aprilis, anno &c. vi & armis, viz. &c. in quendam *Ed. R.* apud C. in Com. M. præd. insultum fecit & unam bursam valoris 2. d. & 9. s. in pecunijs numeratis, & unam Coronam gallicam (voc. **a French Crowne**) valor. 6. s. in bursa prædicta ad tunc & ibid. existen. de bonis & pecunijs præd. E. à persona ipsius E. clam & sine notitia ipsius E. ad tunc & ibidem felonice cepit & asportavit, contra pacem dictæ domine Reginæ, &c. ac contra formam statuti, &c.

Judgement, *supra.*

42. *An Indictment for stealing a Hog in a Common.*

Iurat. præsent. pro domina Reg. &c. quod *F. B. de C.* quarto die Febr. &c. vi & armis &c. in quendam Commun. intra novam Forestam voc. *H.* infra parochiam de C. in Com. prædicto fregit et intravit,

travit, et unum porcum color. **red speckled**, pretij 12. d. de bonis & catallis B.D. ad tunc & ibid. invent. felon. cepit & effugavit, contra pacem dict. dom. Reg. &c. Judgement, as
supra.

43. *An Indictment for stealing of sheepe.*

[Ur. præsent. &c. quod A.B. &c. quarto die &c. vi & armis viz. &c. clausum T.G. de &c. fregit & intravit, & duas oves matrices coloris nigri, pretij 7. s. de bonis & catallis dicti T.G. felon. cepit, abduxit, & asportavit, contra pacem &c.

Judgement, as
supra.

44. *An Indictment for the stealing of two geldings.*

[Inquir. &c. si G.W. nuper de W. in Com. S. **Smith**, & B.B. nuper de W. præd. in Com. præd. **Labourer**, ultimo die &c. Anno &c. vi & armis &c. apud N. in dicto Com. S. unum spadonem coloris **gray**, pretij &c. ac unum alium spadonem coloris &c. pretij &c. de bonis & catallis cujusdam ignoti ad tunc & ibid. invent. felon. furati fuer. ceper. & abduxer. contra pacem, &c.

Judgement, as
supra.
No Clergie.

45. *An Indictment for the felonious taking of six paire of sheets, twelve diaper napkins, and one ring of gold.*

[Urator. pro domino Rege &c. præsent. quod I.B. de &c. die &c. anno &c. apud D. &c. vi & armis &c. 6. paria lintheorum, voc. **Sheets**, ad valentiam 40. s. 12. mappas de Diaper, voc. **Table-napkins**, ad valent. 40. s. & unum anulum de auro, de bonis & catallis cujusdam I.S. ad tunc et ibidem invent. felonice cepit et asportavit, contra pacem, &c.

Judgement, as
supra.

46. *An Indictment for breaking of a Milne, and taking out of the same a sack, and six bushels of wheat.*

[Uratores pro domino Rege præsent. quod I.S. &c. vi & armis &c. die &c. anno &c. domum molendin. W.H. apud C. in paroch. de D. in Com. præd. voc. **Clarkmill**, felonice fregit & intravit, & unum saccum pretij &c. et sex modios tritici voc. **six bushels of wheat**, in præd. sac. ibidem existen. pretij 20. s. de bonis et catallis præd. W.H. ad tunc et ibidem invent. die, anno, et loco suprad. felonice cepit et asportavit, contra pacem &c.

Judgement, as
supra.

47. *An Indictment for stealing of foure Oxen, and of the accessaries to the same felonie before and after the same felony done.*

Iuratores pro domino rege præsent. quod *A.B.* de *F.* in Com. *M. yeoman*, die & anno &c. vi & armis, videlicet gladijs &c. clausum *L.S.* apud *D.* in Com. præd. fregit, & 4. boves pretij &c. de bonis et catallis *L.S.* ibidem invent. tunc & ibidem felon. furat. fuit, cepit, & abduxit, contra pacem, &c. Et quod *W.B.* de *N.* in Com. præd. *yeoman*, die & anno &c. apud *M.* in Com. præd. fuit consentiens & abbettans præd. *A.B.* ad felon. præd. in forma præd. faciend. contra pacem &c. Et quod *H.W.* et *P.R.* nuper de &c. scien. prædict. *A.B.* felon. prædict. in forma præd. fecisse, apud *T.* præd. & alibi in Com. præd. præd. 10. die &c. eundem *A.B.* felon. receptaverunt & confortaverunt, contra pacem &c.

Judgement, ut
supra.

48. *For a Rescous of one in the Stocks for suspicion of Felony.*

Iurator. pro domina Reg. præsentant quod 20. die Iunij, Anno Regni dictæ dominæ nostræ *Eliz.* Dei gratia Angliæ, Franciæ & Hiberniæ Regina, fidei defensoris &c. 34. quidam *A.B.* nuper de *C.* in Com. *E. Glover*, apud *C.* præd. in Com. *E.* præd. captus est & arrestatus per *E.F.* de *C.* præd. in Com. *E.* præd. *yeoman*, pro suspicionem cuiusdam felonie, viz. unius vaccæ ipsius *E.F.* per præfatum *A.B.* felonice (ut idem *E.F.* tunc afferebat) captæ et abductæ, & quod idem *A.B.* immediatè postea traditus est per præfatum *E.F.* cuiusdam *H.M.* tunc Constabulario hundredi de *N.* in Com. *E.* præd. in quo sita est villa de *C.* præd. qui quidem Constabularius in Com. *E.* præd. postea, viz. dicto 20. die Iunij anno 34. supradicto, eundem *A.B.* in prisona in cippis ibidem posuit, ad eum salvo ibidem custodiend. donec idem Constabularius parare possit auxilium ad ducendum eundem *A.B.* coram aliquo Iusticiario. pacis dictæ dominæ Regina in Com. *E.* præd. examinandum; Ac quod postea (sc. dicto 20. die &c. anno supradicto) quidam *G.L.* de *C.* præd. in Com. *E.* præd. *Glover*, apud *C.* præd. in dicto Com. *E.* vi & armis, cippos præd. effregit, ac eundem *A.B.* tunc ibidem existen. ex eisdem custodia, prisona, & cippis felonice cepit, eripuit, & rescussit, ac ad largum ire & evadere permisit, contra pacem dictæ dominæ Regina, coronam & dignitatem suas.

Judgement, ut
supra.

49. *For the breaking of prison.*

Inquir. pro domino Rege si *W.H.* de *C.* in Comitatu præd. *yeoman* unus Constabulariorum dicti domini Regis Baroniæ suæ de *N.* in comitatu prædicto in qua quidem Baronia sita est villa de *C.* prædicta, quendam *R.B.* nuper de *C.* prædicta in Comit. præd. *Taylor*, 20. die

die Septembris, Anno Regni dicti domini nostri Caroli Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ reg. fidei defensoris, &c. 13. apud C. prædict. in dicto comitatu pro suspitione cuiusdam felonie, viz. pro morte cuiusdam *M. N.* apud *H.* in Com. præd. felonice interfecti, cepit & arrestavit; Et ea de causa idem *R. B.* sub custodia dicti *W. H.* Constabularij in prisona dicti dom. Reg. apud C. præd. in Comitatu præd. postea scilicet dicto 30. die Septembris, Anno supradicto fortiter & duriter detentus fuerit, ac idem *R. B.* tunc ibidem sic detentus, postea scz. dict. die & anno apud C. prædict. in comitat. præd. vi & armis &c. præd. prisonam ibidem felonice fregit, ac extra custodiam dicti Constabularij tunc ibidem contra ejus voluntatem felonice evasit, contra pacem dicti dom. reg. nostri nunc, coronam & dignitatem suas, nec non contra formam statuti in hujusmodi casu provis. ac edit.

Judgement, as
supra.

50. *An Indictment against two being prisoners, for breaking of the prison, and letting out two prisoners.*

[Urat. pro domino Rege &c. præsent. quod *B. C.* & *F. G.* nuper de &c. nuper arrestat. imprison. & detenti in Gaola dicti dom. reg. de &c. pro diversis felon. per ipsos separatim perpetrat. *B.* die. Febr. anno &c. vi et armis &c. præd. gaolam dicti domini Regis de *F.* præd. in Com. præd. felonice freger. & *I. C.* nuper de &c. & *I. S.* prisonarios in eadem gaola pro diversis felonijs per ipsos separatim perpetrat. existen. ad tunc & ibid. felon. ad largum ire permiserunt, contra pacem &c. ac contra formam statuti, &c.

Judgement, as
supra.

51. *An Indictment for breaking of prison by one committed for felonie.*

[Urat. pro domino rege &c. præsentant quod *A. B.* nuper &c. existens in prison. Dom. Reg. apud C. &c. pro diversis felon. unde coram Iustic. pacis dicti domini Regis in Com. præd. ad Sessionem pacis tent. coram eisdem Iustic. primo die &c. anno &c. indictat. fuit die &c. anno &c. gaolam præd. felonice fregit & ab eadem gaola ad tunc & ibidem transijt & felon. evasit, contra pacem &c.

Judgement, as
supra.

52. *For a Voluntary escape of a Felon out of the gaole.*

[Urat. pro domino rege &c. præsent. quod ubi quidam *A. B.* nuper de C. in dict. Comitatu **Shoomaker**, sexto die Maij, Anno regni domini nostri Caroli, Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, fidei defensoris &c. 13. apud C. prædict. in Comitatu prædict. pro suspitione cuiusdam felonie, viz. unius equi coloris albi, pretij 40. solid. felonice per eundem *A. B.* (ut dicebatur) capti & abducti, arrestatus & captus fuit, & coram *T. F.* uno Iusticiar. dicti domini

Judgement, *ut*
supra.

domini regis ad pacem in dicto comitatu conservandum assignatorum ductus, & superinde postea (viz. dictis die, anno & loco) cuidam *B.D.* in Com. præd. *yeoman*, custodi gaolæ dicti domini regis apud *M.* in dicto Comitatu existenti (sub custodia *I.F.* armigeri adtunc vicecomitis Comitatus prædicti & custodis gaolæ prædictæ) per quoddam præceptum de *Mittimus* dicti *T.F.* Iustitiarj traditus & commissus fuit ad salvo & securè custodiendum in gaola prædicta, donec idem *A.B.* inde foret legitimo modo deliberatus, præfatus tamen *I.F.* (tunc vicecomes) postea viz. 7. die dicti mensis Maij anno supradicto, apud *M.* prædict. in comitatu prædict. præfat. *A.B.* adtunc & ibidem evadere & ad largum ire voluntariè & felonice permisit, contra pacem dicti domini regis, coronam & dignitatem suam.

And for a negligent escape, the words may bee changed thus, pro defectu bonæ & diligentis custodiæ evadere & ad largum, quò voluit, ire negligenter permisit, contra pacem &c.

53. *Another Indictment against a Gaoler for suffering of a woman committed to him upon suspicion of felony to escape.*

Judgement, *ut*
supra.

Iuratores pro domino Rege præsent. &c. quod cum quædam *M.N.* nuper de *B.* in præd. Comit. *E.* **Spinster**, 10. die Aprilis, Anno &c. pro suspitione homicidij per ipsam *M.* apud *B.* præd. in Com. *E.* præd. super quendam *W.P.* felonice fieri & perpetrari supposit. capta & arrestata fuit apud *B.* præd. in Com. *E.* præd. & ejisdem die & anno, præd. *M.* cuidam *Richardo B. de N.* in Com. *E.* præd. **yeoman** custodi Gaolæ dicti domini regis Com. præd. sub *Georgio P.* armig. adtunc vicecomite Comitatus prædicti & Custode gaolæ prædictæ, per quoddam warrantum de *Mittimus W.M.* milit. & *I.M.* armig. duorum Iustitiar. dicti domini Regis ad pacem in eodem Comitatu conservandam assignatorum salvo & securè custodiend. tradita fuit, quousque eadem *M.* à custodia illa secundum legem & consuetudinem hujus regni Hiberniæ pro suspitione homicidij prædicti acquietata sive deliberata foret, quod præd. *R.B. de N.* præd. in prædicto Com. *E.* **yeoman**, postea scil. 26. die Novembris anno supradicto, apud *M.* præd. in Com. *E.* præd. præd. *M.* adtunc & ibidem in custodia ipsius *R.* in gaola dicti domini Regis existent. à Gaola præd. adtunc & ibidem voluntariè & felonice evadere & ad largum ire permisit, contra pacem dicti domini regis nunc &c.

54. *An Indictment where a felon suspected for stealing two Oxen is committed by a Justice of peace unto the gaole, and is delivered to two to be conveyed to the gaole, which suffer the felon wilfully to escape away.*

I Vrat. pro Dom. [Reg. præsent. &c. quod cum quidam *W.H.* armiger unus Iustic. pacis dicti domini Regis in Com. præd. 20. die &c. anno

anno &c. apud S. in Com. præd. quendam I. nuper de &c. adtunc & ibidem arrestavit & attachiavit pro suspitione felonix per ipsum I. antea fact. & perpetrar. viz. pro duobus bobus coloris &c. pretij &c. de bonis & catallis cuiusdam R. I. per præd. I. felonice capt. et abduct. et postea eundem I. die, anno, & loco supradict. ut præd. est, arrestat. præd. W. H. adtunc & ibidem commisit & liberavit salvo custodiend. quibusdam I. B. & R. D. nuper de &c. in Com. &c. qui quidem I. B. & R. D. specialiter requisit. fuer. ex parte dicti domini Regis per præf. W. H. ad salvo & secure custod. & conducend. ipsum I. B. usque gaolam ipsius domini Regis Com. præd. ibid. morat. quousque per debitam legis formam exoner. & deliber. præd. tamen I. et R. ipsum I. à custod. sua præd. adtunc et ibid. felonice et vol- ^{Judgement, ad} unt. ad largum, quo voluit, abire et evadere permiser. contra pac. &c. ^{supra.}

55. *An Indict. of a keeper of a gaole for letting one committed to him upon suspicion of Felony escape out of prison.*

Iuratores pro Dom. Rege &c. præsent. quod cum quidam I. B. de &c. die &c. anno &c. pro suspitione cuiusdam fel. per ipsum infra vill. præd. antetunc fieri & perpetrar. supposit. capt. & arrestat. fuit apud villam præd. & eisdem die & anno præd. I. B. cuidam T. R. de villa & Com. præd. **yeoman**, custodi gaolæ dicti dom. Reg. in dicta villa de L. præd. pro suspic. felon. præd. salvo & secure custodiend. tradit. fuit quousque idem I. B. à custod. illa secundum legem & consuetudinem regni Hiberniæ deliber. foret, idem tamen T. R. die &c. anno suprad. apud villam præd. in Com. præd. eundem I. B. ^{Judgement, ad} ad largum & extra gaolam præd. volunt. & fel. exire & evadere per- ^{supra.} misit, contra pacem dicti Dom. Reg. &c.

56. *An Indictment of Forgery after a former conviction.*

Iur. pro domino Rege præsent. &c. quod cum A. B. de K. in Cō. D. gen. seifitus fuit & adhuc seifitus est in dominico suo ut de feodo de uno mesuagio cum pertinentijs in **Dale** in Com. prædicto, quidam W. & I. de F. in Com. prædicto gener. ex eorum falsa conspiratione et covina quoddam falsum factum feoffamenti de prædicto mesuagio cum pertinentijs, in quo continetur quod E. F. pater prædicti A. B. dedit, concessit, & per idem factum confirmavit eisdem W. & I. præd. mesuagium cum pertinentijs, habend. & tenend. ipsis & heredibus suis in perpetuum, primo die Augusti anno &c. apud B. in Com. prædicto subtiliter imaginati fuerunt & fabricaverunt, ac illud adtunc et ibidem ad destruendum & perturbandum jus stat. titulum et possessionem ipsius A. B. de et in mesuagio prædict. cum pertinentijs pronunciari, publicari, et legi fecerunt: per quod idem A. B. de possessione et titulo suis mesuagij prædicti cum pertinentijs graviter turbatus et vexatus fuit, super quo prædicti W. et I. postea, scil. primo die Septembris anno supradicto

V u u

coram

coram Iusticiarijs ad Affisas & gaolæ deliberation. in Com. prædicto tenend. assignatis indictati ac legitimo modo pro prædicti falsa fabricatione prædicti falsi feoffamenti convicti fuerunt; prædicti tamen *W. & I.* postea (scil.) primo die Maij, anno &c. ex eorum falsa conspiratione & covina quoddam aliud falsum factum feoffamenti de prædicto mesuagio cum pertinentijs, in quo continetur quod præd. *A.B.* dedit, concessit, & per idem factum confirmavit eisdem *W. & I.* mesuagium prædictum, habend. & tenend. ipsis & hæredibus suis in perpetuum, apud *B.* prædict. in Com. prædicto subtiliter, falso, & felonice imaginati fuerunt & fabricaverunt, ac illud ad tunc & ibidem ad destruendum & perturbandum possessionem & titulum ipsius *A.B.* de mesuagio prædicto cum pertinentijs pronunciari, publicari, & legi fecerunt, per quod idem *A.B.* de possessione & titulo suis mesuagij prædicti cum pertinentijs iterum graviter turbatus & vexatus existit, in contemptum Dom. Regis, ac contra formam statut. in huiusmodi casu edit. & provis.

Judgement, *ut supra.*
No clergie.

57. *An Indict. upon the statute of 15. of Ed. 4. for taking of a distresse contrary to the common Law.*

IUrat. pro domino rege præsent. &c. quod *A.B.* de *C.* in Com. *E.* præd. gen. die &c. anno &c. apud *D.* in Com. prædicto, vi & armis, viz. gladijs &c. unum equum nigri coloris, pretij quinque librarum, de bonis & catallis *I.S.* per viam plegij & districtionis pro quodam prætenso debito contra communem legem felonice cepit, abduxit, & ad proprium opus suum convertit, contra jus, legem, & conscientiam, in contemptum ac contra pacem dom. regis nunc, coronam & dignitat. suas, ac contra formam statut. in huiusmodi casu edit. & provis.

Judgement, *ut supra.*

58. *An Indictment for taking meat and drinke against the will of the owner against the statute of 3. Ed. 2.*

IUr. pro dom. rege præsent. quod *A.B.* de *C.* in Com. *D.* præd. **herne** die &c. anno &c. vi & armis, viz. gladijs &c. venit ad domum mansionalem *I.G.* apud *D.* in Com. prædicto, & tunc & ibidem contra voluntatem ipsius *I.G.* felonice cepit hospitium, cibum, et potum de bonis et catallis prædicti *I.G.* contra pacem et in contemptum domini regis nunc, ac contra formam stat. in huiusmodi casu edit, et provis.

Judgement, *ut supra.*

59. *An Indictment for taking of Cuddyes or night suppers against the statute of 28. H. 6.*

Iuratores pro dom. Rege præsentant quod *A.B.* nuper de *C.* in Com. **D. Labourer**, die &c. anno &c. injuste venit, vi et armis, viz. gladijs &c. ad domum mansionalem *I.G.* apud *H.* in Cō. præd. & tunc & ibid. mandavit prædictum *I.G.* ad dandum ei coenam nocturnam & pro eo, quod

quod prædict. *I. G.* eandem cænam dare recusavit, prædict. *A. B.* tunc & ibidem malitiosè & felonice, vi & armis, &c. unam togam valoris decem solidorum de bonis prædicti *I. G.* tanquam plegium pro defectu cænæ nocturnæ præd. felonice & contra voluntatem prædicti *I. G.* cepit & asportavit, contra pacem ac in contemptum dom. regis, & contra formam statut. in hujusmodi casu edit. & provis. ^{Judgement, ut supra.}

60. *An Indictment against a servant that stealeth his masters goods committed to his keeping.*

[U]r. præsent. pro Dom. Rege, quod cum *A. B.* de *C.* indicto comitatu **Mercer**, vicesimo die Septembris Anno Regni domini nostri Caroli, Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ regis, fidei defensoris &c. 13^o. in domo mansionali ipsius *A. B.* apud *C.* præd. in comit. prædicto deliberasset cuidam *E. F.* de *C.* prædicta in dicto Com. **Mercer**, tunc servienti ipsius *A. B.* pro uno anno integro retento, ac ætatis octodecem annorum existenti, decem libras in pecunijs numeratis de bonis ipsius *A. B.* ea intentione, ut idem *E. F.* easdem salvò custodiret ad usum prædicti *A. B.* tunc magistri sui, idem tamen *E. F.* dicto vicesimo die Septembris anno supradicto, (apprenticius dicti *A. B.* tunc non existens) apud *C.* prædict. in Comitatu prædicto à dicto magistro suo unà cum præd. decem libris dicti *A. B.* tunc magistri sui malitiosè & felonice discessit, abiit, & aufugit, ea intentione, ad furandum dictas decem libras, contra fiduciam in eo per præfatum *A. B.* tunc magistrum suum repositam & collocatam, & ad dictum *A. B.* magistrum suum prædictum inde defraudandum, contra pacem dicti Domini regis, ac contra formam statut. in hujusmodi casu provis. & edit. ^{Judgement, ut supra.}

61. *An Indict. upon the statute of Anno 33. H. 8. ca. 5. against a servant above the age of 18. yeares, for going away with a bracelet of gold worth 17. l. delivered to him by his master to keepe.*

[U]r. præsent. &c. quod cum *C. P.* Armiger secundo die S. anno Regni dictæ dominæ Reginæ nunc 15. apud *G.* in Com. *M.* præd. liberasset *I. G.* nuper de *E.* in Comitatu *M.* præd. **Husbandman**, ad tunc servienti suo & non apprentic. suo existen. & ultra ætat. 18. annorum, quoddam brachiale auri Anglicè **a Bracelet of gold**, valoris 17. l. &c. de bonis & catallis præd. *C.* pro eod. *C.* salvo custodiend. Præd. tamen *I. G.* apud *G.* præd. in dicto Com. *M.* eodem secundo die S. anno 15. suprad. à præfato *C.* ad tunc magistro suo seipsum retraxit, & cum brachiali præd. felonice discessit, abiit, & aufugit, ea intentione, ad furand. brachiale præd. & ad defraudand. præd. *C.* magistrum suum de brachiali præd. contra fiduciam & confidentiam in eodem *I.* per præfat. *C.* magistrum suum reposit. ac contra formam statut. in hujusmodi casu edit. & provis. ^{Judgement, ut supra.}

62. *An Indictment of Felony for Conjurat[i]on.*

Judgement, as
supra.
No Clergie.

Iur. pro domino rege præsent. &c. quod *A.B.* de *C.* in Com. *D.* Clericus, Deum præ oculis suis non habens, sed diabolica instigatione seduct. die &c. anno &c. apud *K.* in Com. præd. in magnam profanationem nominis Dei omnipotentis felonice nequiter & sceleratissime usus fuit, practicavit, & exercuit quasdam Invocationes & Conjurat[i]ones malorum & sceleratorum spirituum, contra formam statut. in hujusmodi casu edit. & provis. &c.

63. *For killing a man by Witchcraft.*

Judgement, as
supra.
No Clergie.

Iuratores præsent. pro domino Rege, quod *Sara B.* de *C.* in Comitatu prædicto vidua, vicesimo die Augusti, Anno Regni domini nostri Caroli, Dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, fidei defensoris, &c. 13^o. ac diversis alijs diebus post dict. 20. diem quasdam artes detestandas, Anglice vocatas **Witchcraft and Sorcerie**, nequiter & felonice practicavit & exercuit apud *C.* prædict. in Comitatu prædicto, in, super, & contra quendam Iohannem *N.* de *C.* prædicta in dicto Comitatu **Labourer**, per quas quidem artes dict. *I. N.* à prædicto 20. die Augusti anno supradicti, usque 24. diem præd. mensis Augusti anno supradicti periculosissime ac mortaliter ægrotabat & languebat; ac eodem 24. die Augusti anno supradicti idem *I. N.* per artes prædictas apud *C.* prædict. in dicto comitatu obiit. Et sic Iuratores prædicti præsent. quod eadem *Sara* ipsum Iohannem *N.* apud *C.* prædictam modo & forma supradictis, ex malitia sua præcogitata voluntarie, diabolicè, nequiter, & felonice per artes prædictas occidit & interfecit, contra pacem dicti domini regis nostri, ac contra formam statuti in hujusmodi casu edit. & provis.

64. *The like Indictment for Witchcraft &c. more full then the former.*

Inquir. pro domino Reg. si *Marg. L.* de *A.* in Com. *E.* **Spinster**, 24. die Iunii, Anno Regni dominiæ nostræ Eliz. 15. ac diversis alijs diebus & vicibus tam antea quam postea, Deum præ oculis suis non habens, sed instigatione diabolica seduct. quasdam malas & diabolicas artes, Anglice vocat. **Witchcrafts, Inchantments, Charms and Sorceries**, nequiter, diabolicè & felon. apud *H.* præd. in Com. *E.* præd. ex malitia sua præcogitat. usa fuit, practicavit, & exercuit in & super quendam *W. M.* prætextu cuius, præd. *W. M.* à præd. 24. die Iunii anno suprad. usque 24. diem Decembris, Anno Regni dictæ dominiæ Reginæ Eliz. &c. 35. præd. languebat; quo quidem 24. die Dec. suprad. prædict. *W.* ratione practicationis & exercit. diabolic. artium præd. apud *H.* præd. in Com. *E.* præd. obiit. Et
sic

fic prædict. *M.* ipsum *W.* apud *H.* præd. in Com. *E.* præd. modo & forma supradict. & ex malitia præcogit. felonice interfecit, contra pacem dictæ dominæ Reg. & contra formam statuti &c. Judgement, as
supra.
No Clergie.

65. *An Indictment of Felony for marrying a second wife the former wife being alive.*

Iuratores pro domino Rege præsentant quod *A.B.* de *C.* in Cō. *D.* præd. **reoman**, die & anno &c. apud *D.* in Com. prædicto secundum leges sanctæ Ecclesiæ cepit in uxorem & maritavit quandam *I.F.* modo in plena vita apud *K.* in Com. præd. existentem; Et quod idem *A.B.* postea, scilicet die &c. anno &c. timorem nec honorem Dei omnipotent. præ oculis suis non habens quandam *E.B.* apud *L.* in Com. præd. nequiter & felonice in uxorem duxit & maritavit (præd. *I.F.* tunc vivente & nullo devortio inter eos præhabito) contra formam statut. in huiusmodi casu edit. & provis. & contra pacem &c. Judgement, as
supra.

66. *For Buggerie.*

Iuratores pro Dom. rege præsent. quod *A.B.* nuper de *C.* in dicto Comit. Clericus, vi & armis apud *C.* prædict. in Comitatu prædicto, Anno regni domini nostri Caroli, Dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, fidei defensoris, &c. 13°. in quendam *I.S.* de *C.* prædicta in dicto Comitatu puerum masculum (ætatis non amplius quindecim annorum, ac tunc ibidem in quodam loco, vocat. **le Arbre**, in pace Dei & dicti domini regis existentem) insultum fecit, ac cum dicto *I.S.* puero prædicto, sceleratissime, felonice, ac contra naturæ ordinem, tunc ibidem, rem habuit veneream, dictumque puerum carnaliter cognovit, ac sic cum eodem puero peccatum illud horribile ac Sodomiticum, Anglicè vocat. **Buggerie**, ac tunc ibidem felonice commisit ac perpetravit, contra pacem dicti domini regis nostri, ac contra formam statuti in huiusmodi casu provisi ac editi. Judgement, as
supra.
No Clergie.

67. *For unlawfull purveyance.*

Iur. pro Dom. Rege præsent. quod primo die Iulij, Anno Regni dicti domini nostri Caroli, dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, fidei defensoris, &c. 13°. quidam *H.W.* nuper de *G.* in dicto Comitatu **Tipler**, apud *C.* in Comitatu præd. præ se ferens & asserens se esse unum ex provisorib. hospitij dicti domini regis, dicto primo die, anno supradicto (quo quidem tempore nullum ostendit aut secum habuit warrantum sub magno aut parvo sigillo dict. dom. Regis) apud *C.* prædict. in Comit. prædicto tres oves castratas (Anglicè vocatas **meathers**) pretij 20. s. de bonis &

Judgement, *us*
supra.

& catallis *I.S.* de *C.* prædicta in dicto Comitatu **yeoman**, tunc ibidem existentes inventas, sub colore purveianciæ pro dicto hospitio, illegitimè ac felonice cepit & abduxit, contra pacem dei domini regis, ac contra formam diversorum statutorum in hujusmodi casu provisorum & editorum.

68. *An Indictment of felonie for acknowledging a Recognisance in the name of another without his privitie, upon the statute of 10. Caroli cap. 20.*

Judgement, *us*
supra.

Iuratores pro Dom. Rege &c. præsent. quod *A.B.* de *C.* in Com. *D.* gen. die &c. anno. &c. apud *S.* in Com. prædict. venit coram *I.H.* milite uno Iustitiariorum Dom. Regis nunc ad pacem in Com. prædict. conservand. assignat. & tunc & ibidem coram præfato *I.H.* in nomine cujusdam *R.P.* armigeri quandam Recognitionem pro conservatione pacis dicti Domini Regis in summa viginti librar. sterl. dicto dom. Regi nunc, absque notitia aut consensu prædicti *R.P.* felonice recognovit, contra formam statuti in hujusmodi casu editi & provisi, ac contra pacem &c.

The like Indictment may be made for acknowledging a Statute Merchant or Statute Staple, a Fine, Recovery, Baile, or Judgement, mutatis mutandis.

69. *An Indictment of felonie for multiplying Gold or Silver upon the Statute of 5. H. 4. cap. 4.*

Judgement, *us*
supra.

Iuratores pro Domino Rege super sacramentum suum dicunt & præsent. quod *A.B.* de *C.* in Com. *D.* **yeoman**, die &c. anno &c. apud *S.* in Com. prædicto, quandam falsam & deceptivam artem, viz. artem multiplicationis auri & argenti, felonice exercuit & usus fuit, contra formam statut. in hujusmodi casu edit. & provisi. ac contra pacem &c.

70. *An Indictment for taking a distresse contrary to the common Law upon the statute of 15. E. 4. in Ireland.*

Judgement, *us*
supra.

Iurator. &c. præsent. quod *A.B.* de *C.* in Com. *E.* **yeoman**, die &c. anno &c. apud *C.* præd. in Com. præd. vi & armis viz. &c. unum equum pretij quinque librarum de bonis & catallis cujusdam *I.S.* tunc ibidem invent. pro plegio & per viam distractionis pro quodam debito quinque librarum, quas idem *A.B.* tunc asserit præd. *I.S.* sibi debuisse, felonice cepit, distrinxit, & asportavit (eodem *I.S.* ad tunc responsibili ad communem legem existente) in contemptum Dom. Regis nunc, & contra formam statut. in hujusmodi casu edit. & provisi. & contra pacem &c.

3. Indictments of Misprisions of severall sorts. viz.

1. *An Indictment of Misprision for concealing of Treason.*

Iuratores pro domino Rege super sacramentum suum dicunt & præsentant, quod cum *W. B. &c. vi & armis &c.* quandam domum mansionalem ac unum horreum cuiusdam *W. T.* necnon viginti carreatas hordei in horreo prædicto existen. ad valent. 20. l. de bonis & catallis ejusdem *W.* apud *B.* in Com. prædicto, die &c. anno &c. proditoriè, malitiosè, & voluntariè ignivit, accendit, cremavit, & cum igne destruxit, contra pacem &c. & contra formam statuti inde editi & provisi, Quidam *I. K. de E.* in Com. præd. die &c. anno &c. sciens & bene cognoscens prædictum *W. B.* prodicionem prædictam in forma prædicta fecisse & perpetrasse, eandem prodicionem à dicto die &c. & anno &c. apud *T.* prædict. in Com. præd. proditoriè concealavit, contra debitum ligeantiae suae, & contra pacem &c.

Judgement, forfeiture of goods & chattels, the profit of his lands during his life, and perpetuall

2. *An Indictment of Misprision against two for concealing of Treasonable words. viz. A vengeance on the Queen, and of such false Councell.*

Iuratores pro dom. Regina, &c. præsent. quod cum *W. I. de S.* in Cō. *N.* Clericus, die &c. apud *W.* in Com. præd. Deum præ oculis suis non habens, nec ligeantiam debit. suam ponderans, falso & prodit. ut falsus proditor & inimicus ipsius Dominae Reg. dict. die & anno apud *N.* præd. coram *A. B. & C. D.* de *E.* in Com. præd. **yeomen**, obstinatè & malitiosè dixit & pronunciavit hæc verba sequentia in Angl. verbis, viz. **A vengeance on the Queen, and of such false Councell**, tam contra ligeantiae suae debitum & pacem dictae Dominae Reg. quam contra formam statuti in hujusmodi casu editi & provisi: et sic præd. *A. B. & C. D.* scientes præd. *W.* dicta verba proditor. locutum fuisse, eadem verba proditoriè contra ligeantiae suae debitum à prædicto die &c. Anno &c. usque ad 1. diem Martij, anno &c. concealaverunt & secretè custodiverunt, contra pac. &c.

Judgement, as supra.

3. *An Indict. of Misprision for Confederacie or combination by oath against Queen Elizabeth and others.*

Inquir. pro domina Reg. si *I. H. de B.* in Com. **L. yeoman**, & *W. P. de G.* in Comitatu prædicto **yeoman**, die &c. anno &c. apud *D.* in Com. præd. malitiosè & proditoriè seipsos obligaverunt & fides suas mutuas infimul dederunt, juraverunt, & sacramenta sua super librum præstiterunt, quod in alto & basso, justitia & injustitia, jure & injuria se ad invicem tenerent in omnibus occasionibus, querelis, & demand.

mand. quibuscunque contra ipsos vel quemlibet eorum movend. ad
 sectum dominæ Reg. seu alicujus alterius partis, & sic tunc & ibid.
 seipsos combinaver. & confederaver. contra dictam dom. Regin.
 et cunctum populum suum, in magnum præjudicium et læsionem
 totius populi dictæ dominæ Reginæ, & contra pacem &c.

Judgement, ut
 supra.

4. *An Indictment of Misprision of Treason for counterfeiting of
 Coyne not current in this Kingdome upon the sta-
 tute 28. Eliz. cap. 7.*

Iuratores pro domino Rege &c. dicunt & præsentant, quod *A. B.*
 nuper de *C. in Com. D. Labourer*, die &c. anno &c. & diversis
 alijs diebus & vicibus tam antea quam postea, machinans dictum
 dominum Regem et populum suum callidè, falsò, & deceptivè
 decipere & defraudare, de injuria sua propria absque autoritate,
 warranto, sive concessione regis Majestatis ei concess. viginti pecias
 falsæ monetæ ad imaginem & similitudinem peciarum monetæ Auri
 Regis Hispaniæ, Anglicè vocat. **Spanish Pistoles**, non permis-
 sas fore currentes in hoc regno Hiberniæ die & anno præd. apud *W.*
 in Com. prædicto pro iniquo lucro et advantage e cupro deaurato
 falsò & proditoriè fabricavit, cudit, & contrafecit, contra formam
 statuti in hujusmodi casu editi & provisi, ac contra pacem &c.

Judgement, ut
 supra.

5. *Another Indictment of Misprision of Treason for uttering of
 counterfeit money.*

Iuratores pro domino Rege &c. dicunt & præsentant, quod cum
A. B. de C. in Com. D. Labourer, die &c. anno &c. et diversis
 alijs diebus & vicibus tam antea quam postea, Deum præ oculis suis
 non habens, sed instigatione diabolica seductus, machinans dictum
 Dominum Regem et populum suum callidè, falsò, deceptivè, et
 proditoriè decipere et defraudare, de injuria sua propria absque
 aliquo warranto seu regali concessione ei concess. octo pecias falsæ
 monetæ, ad imaginem & similitudinem peciarum monetæ auri An-
 glicè vocat. **Soveraines of ten Shillings a piece**, apud *W. in Com.*
 prædicto pro iniquo lucro et advantage suo e cupro et alijs mixtis
 metallis deauratis falsò et proditoriè fabricavit, cudit, & contrafe-
 cit, contra pacem Dom. Regis nunc, coronam et dignitatem suas,
 & contra formam statuti in hujusmodi casu editi et provisi, Quidam
 tamen *O. S. de W. in Com. prædict.* **Carloz**, perfectè sciens præd.
 pecias monetæ sic ut permittitur fuisse falsas & contrafactas, & non
 veram currentem et legitimam monetam hujus Regni Hiberniæ, die
 &c. anno &c. ac diversis alijs diebus et vicibus easdem pecias, sic ut
 permittitur, falsò & proditoriè fabricatas et contrafactas, diversis
 ligeis dict. dom. Reg. pro vera et legitima moneta hujus regni Hi-
 berniæ apud *W. in Com. prædicto* falsò et proditoriè exposuit et
 utteravit,

Judgement, ut
 supra.

utteravit, in magnam subditorum dicti Dom. Regis deceptionem, ac contra pacem dicti Dom. Regis, coronam & dignitatem suas.

6. *An Indictment of Misprision of Felonie.*

Iur. pro Dom. Rege &c. præsentant, quod cum *N.B.* nuper de *C.* in Com. D. prædict. **yeoman**, die &c. anno &c. vi & armis &c. quoddam stabulum in domo mansionali cuiusdam *I.S.* in *C.* prædicta in Com. prædicto existens fregit & intravit, ac unum spadon. Anglicè vocat. **a Gelding**, coloris albi, pretij sex librar. de bonis & cattallis ipsius *I.S.* tunc ibidem existen. invent. felonice cepit & abduxit, contra pacem dicti dom. regis, coronam & dignitat. suas, Quidam *H.H.* nuper de *C.* prædicta in Com. prædicto **yeoman**, die &c. anno &c. perfecte sciens præfatum *A.B.* feloniam prædictam apud *C.* præd. modo & forma præd. fecisse & perpetrasse, prædict. tamen *H.H.* feloniam prædictam à prædicto die &c. anno &c. usque ad diem &c. anno &c. felonice concealavit & secretè custodivit, contra pacem dicti dom. regis, coronam & dignitatem suas.

Judgement,
Fyne and
Ransome.

7. *An Indict. of Misprision for offering to strike a Justice sitting in judgement.*

Iuratores pro domino rege &c. præsentant quod *A.B.* de *C.* in *Cō.* D. gen. die &c. anno &c. vi & armis injustè venit ad domum generalis Sessionis pacis (Anglicè vocat. **the Sessions house**.) in *H.* in Com. præd. & tunc & ibidem consimili vi & armis, viz. gladijs, &c. tunc & ibid. in & super quendam *I.S.* Armig. tunc unum Iustic. dicti dom. Regis ad pacem in Com. prædicto conservand. assignat. in aperta Sessione in executione officij sui Iusticiarij pacis in Com. præd. seden. insultum fecit, & ipsum *I.S.* cum gladio districto tunc & ibid. percutere proditorie conatus fuit, in magnum contempt. dicti dom. regis, ac contra pacem ejusdem dom. regis, coron. & dignitat. suas &c.

Judgement is
losse of goods,
chattels, and
lands, his right
hand to be cut
off, and per-
petuall impris-
onment.

8. *An Indict. of Misprision for striking a Juror in the presence of the Justices.*

Iuratores pro dom. Rege super sacrament. suum dicunt & præsent. quod cum *A.B.* de *C.* gen. ad generalem Sess. pacis tent. apud *K.* in Com. D. die &c. anno &c. per *I.H.* & *I.K.* ad tunc Iusticiarios dom. regis nunc ad pacem in Com. præd. conservand. necnon ad inquirend. de omnibus & singulis prodicionibus, felonijs, & alijs malefactis assignat. inter alios juratus fuit in magn. Iurat. ad inquirendum pro dicto dom. rege, & sic jurat. existen. in aperta Curia general. Sessionis præd. quidam *C.D.* de *F.* in *Cō.* præd. gen. vi & armis &c. in præsentia dictorum Iustic. die &c. anno &c. apud *K.* præd. in aperta Curia præd. in et super præd. *A.B.* insultum fecit, et cum gladio districto quem in manu sua dextra ad tunc et ibid. tenuit, præfatum *A.B.* malitiosè et violentè percussit, in magnū cōtempt. &c. & exemplum perniciosum, ac cōtra pacem &c.

Judgement, as
supra in 7.

9. *An Indict. of Misprision against one of meane quality for striking a man of honour.*

Judgement,
Fine and im-
prisonment:
but anciently
it was losse of
his hand.

Iur. pro Dom. rege &c. present. quod A.B. de C. in Com. D. Labourer, die &c. anno &c. apud K. in Com. præd. vi & armis, viz. gladijs &c. in & super prænobilē I.N. Comitem M. unum magnatum ac de magno consilio hujus regni Hiberniæ insult. fecit, & tunc & ibidem eundem Com. verberavit, vulneravit, & maletractavit, ita quod de vita ejusdem Comitis desperabatur, & alia enormia ei intulit, in magnum contempt. dicti dom. Regis & magnatum suorum hujus regni Hiberniæ, & exempl. perniciosissimum, ac contra pacem &c.

10. *An Indict. of Misprision for releasing a prisoner arrested by a Justice sitting in Judgement.*

Judgement, is
forfeiture of
lands, goods,
and chattels,
and perpetuall
imprisonment.

Iur. pro dom. rege &c. present. quod cum A.B. unus Iusticiarius dicti dom. Regis in Com. C. conservand. necnon ad inquirend. de omnibus & singulis proditionibus, felonijis, & alijs malefactis assignat. sedens in Iudicio in generali Sessione pacis tenta apud K. in Com. præd. die &c. anno &c. arrestavit & apprehendi fecit quendam E.F. ad respondend. dicto dom. Regi de quibusdam malefactis per ipsum E.F. perpetrat. (& prædict. E.F. sic arrestat. & apprehens. existen.) quidam J.K. de L. in Com. præd. gen. præd. die &c. anno &c. apud K. præd. vi & armis, viz. gladijs &c. præd. E.F. ab arrestatione prædicta rescussit, & ipsum E.F. ad largum ire, quo voluit, posuit & permisit, in magnū contempt. publicæ Iustitiæ dicti dom. regis & exemplum perniciosissimum, ac contra pacem &c.

4. *Of Premunires of severall sorts.*1. *An Attainder of Premunire for advancing forraigne Jurisdiction.*

Robertus Lator nuper de le Naas in Com. Kildare Clericus indictatus coram Dom. rege hic &c. de eo quod præd. Robertus, machinans dom. regem & coronam & dignitat. suas exheredare, primo die Januarij, Anno regni dom. regis nunc Angliæ, Franc. & Hiberniæ tertio, & Scotiæ tricesimo nono, apud Dublin. in Com. Civit. Dublin. quasdam bullas, process. & brevia, quæ tangunt dom. regem, impetrata in Curia Romana continen. auctoritatem & potest. constituendi vicarium generalem infra separales dioceses. Dublin. Kildare, & Fernens. recepit, notificavit, & executus fuit, & prætextu dict. bullarum & brevilum ad tunc & ibid. constitutus fuit vicarius general. dictar. dioceses. Et postea scil. sexto die Januarij Anno suprad. apud Dublin. præd. prætextu dictar. bullar. & breviū acceptavit & super se assumpsit stilum, titulum, & jurisdictionem vicarij generalis Ecclesiæ Romanæ per nomen Apostolicæ sedis in dict. separalibus diocesis Dublin. Kildar. & Fernens. & tunc & ibid. spirituales Jurisdictionem ut vicarius generalis dictar. dioceses. exercuit & usurpavit, instituendo unam personam ignotam ad quandam Ecclesiam infra dioceses. de Laughlin, & alteram personam ignotam ad alteram Ecclesiam

clesiam infra dict. dioceses. de *Kildare*, ac concedend. separales dispensationes diversis personis in gradibus à Iure Canonico prohibet. marriage & maritand. viz. *Iohanni Delahide* generoso & *Rosine Eustace* uxori eius; & *Edmundo Purcell* generoso et *Elinora Terrill* uxori eius, ac *Willelmo Roch* & *Morea Cavanagh* uxori eius, & alia omnia ad dictam jurisdictionem spirituales pertinen. faciendo; contra dictum dom. reg. coron. regal. & regimen suum, ac in dicti dom. Regis nunc contemptum; & coronæ suæ exheredationem manifestam, ac contra for. stat. diversor. statut. in huiusmodi casu edit. & provls. venit coram Dom. rege hic &c. per Constabular. castri Dublin. ad barrā ductus & statim de transgressionibus contempt. et offens. præd. allocut. qualiter se velit inde quietar. dicit quod ipse in nullo est inde culpabilis, & de hoc de bono & malo posuit se super patriam; & *Iohannes Davies* miles Attornatus ejusdem dom. Reg. qui pro eodem dom. rege sequitur, similiter. Ideo fiat inde Iurat. & Iurat. exacti vener. qui ad veritatem de præmissis dicend. electi, triati, & jurati dicunt super sacrament. suum quod præd. *Robertus Lalor* est culpabilis de transgressionibus, contempt. & offens. præd. modo et forma prout per Indictament. præd. versus eum supponitur. Super quo instanter Serviens ejusdem dom. reg. ad legem & ipsius dom. reg. Attornat. præd. pro eo quod præd. *Robertus Lalor* de transgressionibus, contempt. & offens. præd. ei superius impositis convictus est juxta debitam legis formā, petierūt versus eundem *Robertum Lalor* iudicium & executionem superinde pro eodem Dom. reg. habend. Et super hoc, vis. & per Curiam hic intellectis omnibus & singulis præmissis, considerat. est, quod præd. *Robertus Lalor* ponatur amodo in futur. extra protectionem Domini Regis, & quod omnia bona & catalla terr. & tenemēt. ipsius *Roberti* sint forisfacta, juxta formam & effectum stat. prædictor. &c. Et super hoc idem *Robertus* remittitur prisonæ dicti dom. reg. Castri sui de Dublin. ibid. moratur. quousq; &c. Et præc. est, vic' civitat. Dubl. quod non omitt. &c. quia per sacramēt. &c. diligent. inquirant quæ bona & catalla terr. sive tenemēta idem *Robertus* habet seu habuit &c. & inquisitionē &c. coram Dom. rege mittant à die S. Trinitatis in 15. dies ubicunque &c. Quod quidem breve retornatur execut. prout patet Termino S. Trinitatis prox. sequen. Rotulo quarto.

Judgement: to be out of the Kings protection, forfeiture of lands, goods & chattels, and perpetual imprisonment.

2. An Indictment of Præmunire for suving to the Court of Rome for Trespasse, against the partie and his Proctor.

Lib. Intrat. fol. 466. 1.

Iur. pro dom. rege super sacramēt. suum dicunt & præsent. quod *A.B.* nuper de C. in Com. D. Clericus, machinans dom. reg. nunc & coron. suam regiam exheredare & cognitiones placitor. de transgressionibus, quæ ad ipsum dom. regem & coron. suam pertinent, ad aliud examen extra regnum dom. Regis præd. trahere, & quendam *W.H.* ac alios de subditis dict. dom. regis indebitè prægravare, ad Curiam Romanam accessit, & ibid. sine licentia dom. Regis resedit, atque quamplures processus, sententias, & citationes ad ipsum *W.* ac alios de subditis domini Regis præd. extra regnum dom. Regis præd. trahere

X x x 2

ad

ad respondend. prædicto *A.B.* in dicta Cur. Romana extra regnum Hiberniæ de quibusdam transgressionibus sibi (ut dicit) illatis, viz. de eo quod idem *W.* vi & armis clausum & domos præd. *A.B.* apud *W.* in Com. præd. fregisset, ac de eo quod idem *W.* vi et armis bona et catalla præfati *A.B.* viz. decem carrectatas frumenti &c. ad valentiã viginti marcar. ibid. invent. cepisset & asportasset, contra &c. in dicta Cur. Romana prosecutus fuit, ac sententias & excommunicationes versus ipsum *W.* superinde fieri & haberi procuravit, eaque per *I.R.* de D. in Com. præd. Clericum die &c. Anno &c. ac diversis diebus & vicibus antea & postea, apud *W.* in Com. prædicto pronunciari, publicari, & eidem *W.* notificari, ac executionem demandari fecit & procuravit, & quamplura alia domino Regi & coronæ suæ præjudicialia fecit, in Dom. Regis nunc contemptum & præjudicium, et exhæredationis Coronæ suæ periculum manifestum, & ipsius *W.* damnum non modicum & gravamen, ac contra formam statut. in hujusmodi casu edit. & provis. & quod prædictus *I.R.* die &c. anno &c. ac antea & postea fuit procurator, manutentor, Consiliarius, & Abettor prædicti *A.B.* in hac parte apud *W.* præd. contra pacem dicti domini Regis, ac contra formam statut. in hujusmodi casu edit. & provis.

Judgement, *in*
supra.

Lib. Intrac.
fol. 44. 2.

3. *An Indict. of Præmunire for suing to Rome to avoid a Recovery at the Common Law in a writ of Annuities; upon the Stat. of 27. Ed. 3. cap. 1.*

[Uratores pro dom. Reg. &c. dicunt & præsent. quod cum per Dom. Regem, proceres, magnates, & communitatem Regni sui Angliæ in Consilio suo apud *W.* nuper tento ordinat. & concordatum fuisset quod omnes & singuli de ligeantia Dom. Regis, cujuscunque fuerint conditionis, qui aliquam personam extra regnum Domini regis trahunt in placitum de aliquo unde cognitio ad Cur. domini regis pertinet, vel de aliquo unde judicia in Cur. Domini regis redduntur, vel qui in aliena Curia ad adnulland. vel impediendum judicia in Curia Regis reddita prosequuntur, habeant diem, spatium duorum mensium continentem, per præmonitionem in loco ubi possessiones in debato existentes sunt, vel alibi ubi terras vel alias possessiones habeant, per vicecomitem vel ministrum Regis faciend. de essendo coram Rege & Consilio suo, vel in Cancellaria Regis, vel coram Iusticiarijs suis de utroque Banco, vel alijs Iusticiarijs suis per ipsum Regem assignand. ad respondend. de contemptu facto in hac parte: et si ad diem prædict. non venerint ad standum legi, tunc ipsi, procuratores, Attornati, Notarii, & manutentores sui (ab illo die, non antea) ponantur extra protectionem Regis, & terræ & tenemēta, bona & catalla sua Regi sint forisfacta: ac licet *A.B.* recuperavit coram Iusticiarijs Dom. Regis de Banco hic per breve Regis, Anno &c. versus *R.* tunc Personam Ecclesiæ de *L.* viginti marcas, quæ eidem *A.B.* aretro

aretro fuerunt de annuo redditu duar. marcar. quas ei debuit per consideration. ejusdem Curia Domini Regis, (prout per judicium in dicta Cur. inde redditum plenius est declaratum;) nihilominus B. nuper Persona Ecclesie de D. ac magister de I. & I.B. Capellanus, Procuratores, executores, & manutentores prædicti B. satagentes Ius Dom. Regis & judicium prædict. malitiosè impugnare, quamplures inhibitiones, citationes, processus, et notificationes eorundem, ac alia Regi & Coronæ suæ præjudicialia in hac parte fecerunt; & per ea dictum judicium ad alienum forum extra Regnum Domini Regis, ad illud ibidem subvertendum & adnulland. deducere; et sic Dom. Regem à cognitione sua Regia, quam in dicto Regno suo temporibus retroactis idem Dominus Rex & progenitores sui quondam Reges Angliæ, ut in Regio jure suo, in casibus hujusmodi exercere consueverunt, impedire nitebantur totis viribus suis; in dom. regis nunc contemptum & præjudicium, et dictæ Coronæ & dignitat. suar. læsionem & exhæredationem manifestam, & contra tenorem provisionis et ordinationis prædictæ. et contra formam diversorum statut. in hujusmodi casu edit. et provis. & contra legem & consuetudinem Regni sui &c.

Judgement, no
supra.

4. *An Indict. of Præmunire for obtaining a Bishopricke by way of provision from the Pope.*

Lib. Intr. fol.
466.3.

Iuratores pro Dom. Rege &c. dicunt & præsentant, quod cum in statuto in Parlamento Dom. Richardi nuper Regis Angliæ secundi post Conquestum apud **Winton.** anno Regni sui 16. tent. edit. inter cætera ordinatum sit & stabilitum quod si aliquis impetraverit aut prosecutus fuerit seu impetrari vel prosequi fecerit in Curia Romana vel alibi bullas, instrumenta, aut alia quæcunque quæ tangunt Dominum Reg. contra ipsum, Coronam Regalem, seu regnum suum, & si quis ea infra Regnum Angliæ detulerint, sive ea receperint, vel inde notificationem seu aliam executionem quamcunque infra Regn. præd. seu extra, fecerit, ipsi, notarii, procuratores, manutentores, abbettatores, fautores & consiliarii sui extra protectionem domini Regis ponantur, et terras et tenemēta, bona et catalla sua domino Regi forisfaciant, & quod corpora sua attachientur (si possint inveniri) & coram domino Rege & Consilio suo ducantur ad respondend. ibidem in casibus supradict. vel quod processus fiat contra eos per *Præmunire facias* modo quo ordinat. est in alijs statutis de provis. ribus et alijs qui in aliena Curia in derogationem Regalitat. dom. Regis prosequuntur, prout in eodem statuto (dicto Anno decimo sexto dicti nuper Regis Richardi secundi edito) plenius continetur: ac licet Episcopatus L. in hoc Regno Hiberniæ per mortem venerabilis in Christo patris M. L. ultimi Episcopi ibidem (qui nuper viz. die &c. anno &c. apud &c. obiit) vacaverit, & jus sit regium coronæ regali suæ specialiter annexum postquam aliquis Episcopatus regni

regni prædicti post mortem, resignationem, ac aliam causam quamcunque vacaverit, personam idoneam in Episcopum talis Episcopatus sic vacant. creand. & constituend. Quidam tamen R.H. & E. de &c. machinantes dict. Dom. Regem nunc & Coronam suam regiam exheredare, & collationē & constitutionem Episcopatum hujus Regni Hiberniæ ad aliud examen trahere, quasdam bullas Romani Episcopi (continentes quod idem Romanus Episcopus quendam W.G. Clericum Ecclesiæ L. prædictæ providit, eumq; eid. Ecclesiæ præfecit in Episcopum & pastorem, curam & administrationem ejusdem eidem W. in spiritualibus & temporalibus plenariē committend. mandavit igitur idem Romanus Episcopus per easd. bullas universis vassallis Ecclesiæ L. prædictæ quatenus ipsi eundem W. devotē susceperent & debita honorificentia prosequerentur, & eidem W. fidelitatem solitam & consueta servitia ac jura, sibi ab eod. Romano Episcopo data, exhibere integrē studerent, sub poena excommunicationis sententiam incurrend.) ab eod. Rom. Episcopo in Cur. Romana post mortem præd. M. nuper Episcopi &c. per W.G. impetrat. infra dictum Regnum Hiberniæ, viz. apud B. in Com. D. die &c. anno &c. detuler. & easd. bull. cuidam V.C. Clerico adtunc & ibidem notificaver. ubi idem W.G. in Episcopum L. prædict. per prædictum dom. Regem nec collatus nec constitutus nec destinatus fuit: sicq; præd. R.H. & E. collationē, constitution. & destination. ad Episcopatum præd. ad aliud examen extra regnum præd. subdolē deduci facere & destinari nitebantur totis viribus suis min⁹ justē, in dicti Dom. Regis nunc contempt. & præjudiciū, ac coronæ suæ regię exheredationis periculum manifestum; & tam contra formam statuti prædicti dicto anno 16. nuper Regis Rich. 2. editi, quam contra formam diversorum aliorum statutorum in hujusmodi casu editorum & provisor.

supra,
1008. m. 11. 12.

Lib. Intr. fol.
468. 1c

5. *An Indictment of Præmunire for suing for a debt in the spiritual Court.*

Iuratores &c. dicunt & præsentant, quod cum placita, querelæ, & prosecutiones terrar. & tenementor. transgressionum, debitor. & alior. consimilium infra hoc regnum Hiberniæ illata, ad Dom. Regem nunc, ad regalem coronam & dignitatem suas specialiter (& non ad forum Ecclesiasticum) pertineant, Quidam tamen I.R. de &c. Clericus subdolē & malitiosē machinans Dom. Regem nunc, coron. & dignitat. suas exheredare, & cognitiones quæ ad Curiam ipsius dom. regis pertineant ad aliud examen infra hoc regnum suum Hiberniæ in Cur. Christianitatis Dublinen. coram I.W. Officiali &c. trahere, die &c. anno &c. apud D. &c. quendam I.A. Cleric. ad prosequend. R.B. in ead. Cur. Christian. coram præfato Officiali pro debito viginti librar. & ipsum R. ad comparend. in ead. Curia Christianit. præfato I.A. inde responsur. citare, & ea de Causa & ejusd. causæ circum-

circumstantijs & appendentijs in dicta Cur. Christianit. trahere in placitum procuravit & abbetavit, in dicti Dom. regis nunc contempt. ac coronæ suæ regię exheredation. manifest. quar. quidem procurationis & abbetationis prætextu prædict. *I. A.* postea, viz. die &c. anno &c. eund. *R.* ad comparend. coram præfato Officiali in dicta Cur. Christian. ei inde responsur. apud D. prædict. in Com. prædicto citari fecit, ac ipsum *R.* ad comparendum apud D. præd. in eod. Com. coram præfato Officiali in ead. Curia Christian. die &c. tunc proximè sequent. ei inde responsur. per citation. illam astringit, ipsumque *R.* ad tunc & ibidem in ead. Cur. Christian. pro dicto debito viginti librar. (cautè & subdole suggerendo eundem *R.* in casu licito possibili & honesto ac de jure permissio in litis eventu declarand. fide sua media seu saltem præmissa antedicto *I. A.* voluntariè astringisse, promisse & jurasse ac in ejusdem litis eventu præfatum *R.* ad solvend. dictas 20. l. fide sua media seu saltem præmissa antedicto *I. A.* promississe & jurasse) traxit in placitum: dictusque *I. R.* prædicto die &c. anno &c. præfatum *I. A.* in præmissis manutenuit in dicti Domini regis nunc contempt. & coronæ suæ exheredationem manifestam ac contra formam statut. in hujusmodi casu edit. & provis.

Judgement, as
supra.

6. *An Indictment of Præmunire for suing for Tithes of great Oakes in the Ecclesiastical Court.*

Iuratores pro Dom. rege &c. dicunt & præsent. quod *A. B.* Clericus Rector Ecclesiæ parochialis de *Dale* in Com. prædicto subdole & malitiosè machinans Dom. Regem nunc & coronam suam Regiam exheredare, die &c. apud *S.* in Comit. prædicto, quendam *I. H.* de *L.* in Com. prædicto *peoman*, in Curia Christianitatis, viz. in Curia Lanceloti Archiepiscopi Dublinensis Primatis Hiberniæ prosecutus fuit & implacitavit, de eo quod idem *I. H.* redderet eidem *A. B.* Rectori Ecclesiæ parochialis de *Dale* in Com. præd. decimas de grossis arboribus ipsius *I. H.* apud D. in parochia prædicta tunc crescentibus per nomen hujus verbi *silva cadua*, viz. centum quercus de ætate quinquaginta annor. & amplius, sexaginta quercus de ætate centum annor. centum quercus de ætate triginta annor. ducent. quercus de ætate viginti annor. & amplius, ante successionem earund. existen. & prædictus *A. B.* prædict. *I. B.* ea occasione, quarto die Iulij tunc proximè sequen. apud *S.* præd. per quendam *T. B.* citari fecit ad comparend. & respondend. super præmissis in Curia Christianitatis præd. Archiepiscopi coram *W. B.* Officiali ejusdem Archiepiscopi in Ecclesia S. Patricij in Comitatu Dublin. 26. die Iulij tunc proximè sequen. & diversas sententias in ipsum *I. H.* tunc & ibidem occasione præmissa fulminari, & contra ipsum adjudicari fecit, in dicti dom. Regis nunc contemptum & præjudicium, ac coronæ suæ regię exheredationis periculum manifest. ac contra formam statuti in hujusmodi casu edit. & provis.

Judgement, as
supra.

7. *Ad*

7. *An Indict. of Præmunire for extolling of forraigne
Authoritie.*

Iuratores &c. quod cum *A.B.* de *C.* in Com. D. Clericus ad generalem Sessionem pacis tent. apud *K.* in Com. P. die &c. anno &c. coram *I.H. L.M. & I.K.* ad tunc Iusticiarijs dom. Regis ad pacem in Com. præd. conservand. necnon ad divers. felonias, transgressiones, & alia malefacta audiend. et terminand. assignat. indictatus & convict. fuerit de eo quod ipse idem *A.B.* die &c. anno &c. apud *D.* in Com. præd. scienter, consideratè, malitiosè, & directè palam in præsentia multor. dicti dom. regis nunc subditor. affirmavit, & defendit authoritatem Papæ Romani Ecclesiasticam in hoc regno Hiberniæ antea usurpat. hijs expressis verbis Anglicanis sequentibus, viz. **I sweare by the blessed Masse and will abow, that our holy father the Pope of Rome is the supreme head of the Church of Ireland:** idem tamen *A.B.* post convictionem prædict. scil. die &c. anno &c. apud *D.* in Com. præd. prædicta verba Anglicana in præsentia multor. dicti Domini Regis subditor. scienter, malitiosè, & directè palam & publicè iterum affirmavit, & defendit authoritatem Papæ Romani Ecclesiasticam in hoc regno Hiberniæ antea usurpat. hijs expressis verbis Anglicanis, viz. **The Pope of Rome is the supreme head of the Church of Ireland, and ought to haue Ecclesiasticall Jurisdiction throughout all Ireland;** in magnam derogationem regię Authoritatis & prærogativæ dicti Domini Regis nunc, ac contra coron. & dignitat. suas, & contra formā statut. in huiusmodi casu edit. & provis.

Judgement, as
supra,

5. Fyneable of fences of severall sorts, viz. of
- 1. Force and violence.
 - 2. Fraud and Deceit.
 - 3. Omissions in officers and others.
 - 4. Other abuses and misdemeanors tending to the prejudice of the Common-wealth, &c.

1. Of Force as Riots, &c.

1. *An Indictment of Riot for a riotous affray at the Quarter-Sessions of the peace.*

Iuratores præsentant pro Dom. Rege &c. quod 8. die Octobris, Anno regni dicti domini nostri Caroli, Dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, fidei defensor. &c. 13. apud *M.* in Cō. præd. tempore generalis Sessionis pacis pro dicto Comitatu tunc ibidem tentæ coram *H.C.* milite & socijs suis Iusticiarijs dicti domini Regis

Regis ad pacem in dicto Comitatu conservandam assignatis tunc ibidem existentibus & in plena Curia sedentibus, quidam *A. B. C. D. E. F. G. H. & I. K.* de *S.* in Comit. prædicto generosi, aggregatis sibi nonnullis alijs pacis dicti Dom. regis perturbatoribus ignotis, ad numerum xx. hominum, vi & armis, viz. gladijs & pugionibus armati illicitè, routosè, & riososè sese assemblaverunt, ac inter se insultum & affraiam maximam tunc ibidem fecerunt, sese invicem verberantes & vulnerant. in magnum terror. tam dictorum Iusticiariorum tunc ibidem in Curia sedentium, quam totius populi dicti domini nostri Reg. ad dictam Sessionem pacis tunc ibidem convenientium, ac contra pacem, coronam, & dignitatem dicti Domini Regis nostri &c.

Judgement,
a great fine, &
a yeares impri-
sonment at the
least, and bonds
of the good
behaviour, if
the Iustices see
cause.

2. *For a Riot in a Parke upon the Keeper of the Parke and his servant, and for hurting the Keepers servant with an Arrow.*

INquirat. pro dom. rege si *E. P. &c. H. P. &c. & R. B. &c.* aggregat. &c. riososè & routosè & modo novæ insurrectionis in conventiculis illicitis, & modo guerrino arraiat. vi & armis, viz. &c. 30. die &c. anno &c. apud *H.* in Comit. prædict. in clausum & parcum *E. P.* viduæ ibidem sese illicitè, riososè, & routosè assemblaver. congregaver. & univer. ad pacem dicti dom. reg. disturb. & ad tunc & ibidem, in quend. *A. D.* gen. custod. parci prædict. & in *I. B.* famulum ipsius *A.* in pace Dei & dicti Dom. reg. existen. insult. fecer. & prædictus *E. P.* unam sagittam è quodam arcu tenso, quem idem *E. P.* in manibus suis ad tunc & ibidem habuit & tenuit, sagittavit, & eund. *I. B.* cum sagitta prædicta in pectore suo percussit dans eid. *I. B.* unam plagam profundit. dimid. pollicis, & latitud. unius pollicis, ita quod de vita sua desperabatur, & alia enor. eis intuler. ad grave damnum ipsorum *A. & I.* contra pacem dicti domini Regis, & contra formam statut. in hujusmod. casu edit. & provis.

Judgement, as
supra

3. *For a Riot in pulling downe of bedges and ditches.*

INquiratur pro Domino Rege, si *I. R.* nuper de *B.* in Comit. prædict. *yeoman*, *R. A.* nuper de *G.* in Comit. prædict. *Husbandman*, & *I. B.* nuper de *D.* in Comitatu prædict. *Broome*, cum multis alijs malefactorib. et pacis dicti Domini Regis perturbatorib. ignot. eis aggregat. modo guerrino arraiat. unit. assemblat. & congregat. ad numerum quindecim personarum per instigationem & procurationem prædicti *I. R.* in magnum

Y y y

terrorem

Judgement, as
supra.

terrorem subditorum dicti dom. reg. quarto die Maij, Anno regni dom. nostri Regis nunc, &c. secundo, vi & armis, viz. gladijs, falcastris, bipenn. baculis, & alijs armis invasivis, clausum *R.B.* armig. apud F. infra parochiam de B. in Com. præd. vocat. **the M.** riotosè freger. & intraver. ac sepes & claus. præd. *R.B.* ad numerum sexcentorum pedum adtunc & ibidem existen. laceraver. irruper. & prostraverunt, & fossat. ibidem existen. adtunc & ibidem cum ligonibus & bipalijs foder. planaver. & impleverunt, ad grave damnum ipsius *R.B.* contra formam diversorum statutorum de riotis & routis & alijs conventiculis illicit. inde nuper edit. & provis. & contra pacem dicti Domini reg. &c.

4. *For a Riot in cutting and carrying away of Cerne.*

Judgement,
Fyne and
Imprisonment
at the discre-
tion of the
Court.

Iurator. &c. quod *A.B.* & *E.D.* &c. aggregatis eis quamplurimis alijs malefactor. & pacis Dom. Reg. perturbatoribus ignotis, ad numerum 4. personarum, modo guerrino arraiat. 3. die Febr. anno &c. vi & armis, viz. gladijs, baculis, & alijs armis tam invasivis quam defensivis, apud F. in Com. E. injustè, riotosè, & routosè assemblaver. clausumque *T.L.* apud C. in Com. præd. adtunc & ibidem, vi & armis, riotosè & injustè freger. & intraver. & 10. aer. tritici, adtunc & ibidem cresc. valor. &c. de bon. & catall. *T.L.* præd. adtunc & ibidem invent. injustè, riotosè, & routosè messuer. falcaver. & asportaver. contra pac. &c

5. *An Indict. for a riotous and unlawfull Assembly, putting men in feare, and doing of Trespasse, and plowing in a Close.*

Judgement, as
in the last fore-
going Pref.

Iurat. pro Dom. Rege super sacrament. suum præsentant, quod *A.B.* nuper de H. in Com. C. **peoman**, *E.D.* &c. 22. die &c. anno &c. vi & armis apud N. in Com. præd. riotosè seipso assemblantes & associantes, adtunc & ibidem riotosè quoddam clausum vocat. &c. cujusdam *R.C.* armig. freger. & intraver. ac servient. & tenentes ipsius *R.C.* adtunc & ibid. in clauso in opere faciendo ipsius *R.C.* existen. minari fuer. terruer. & maletractaver. ac herbam ipsius *R.C.* adtunc & ibidem crescen. cum quibusdam averijs non solum depasti fuer. cōculcaver. & consumperunt, sed etiam præd. clausum cum bobus & aratro araverunt & subverterunt, & alia enormia præf. *R.C.* fecerunt in dicti domini Regis contempt. manifestum, et ipsius *R.C.* damnum non modicum et gravamen, ac contra pacem dicti dom. Regis &c.

6. *An Indict. of Riot, the Rioters weaponed with divers weapons and armed with privy Coats, for breaking and entring into a house, taking and spoiling of goods, beating and wounding divers in the house, breaking of a Chest and taking out of it six silver spoones, and taking, spoiling, and carrying away of Oates out of a Barne.*

Inquiratur &c. Si. I. S. decimo die &c. ann. &c. vi & armis, viz. baculis, gladijs, & cult. necnon tunicis privatis & modo guerrino arraiati, apud W. in Com. præd. domum cujusdam C.B. apud W. præd. in Com. præd. riotose & manu forti fregerunt & intraver. & in T.B. F.B. &c. ad tunc & ibidem invent. in pace Dei & dictæ dom. reg. existent. insultum fecerunt, & affraiam ibid. riotose fecerunt, & ipsos T.B. &c. ad tunc & ibid. in pace Dei & dictæ dom. Regina invent. existent. verberaver. vulneraver. & maletractaver. ita quod ipsi de vitis ipsorum desperabant, ac bona & catalla præd. C.B. ad val. 30. l. in domo sua præd. ad tunc invent. riotose ceper. spoliaver. & asportaver. ac cistas ipsius C. in domo sua præd. tunc existent. riotose fregerunt, & sex cocliaria argent. ad valent. 50. s. de bonis & catallis ipsius Chr. ad tunc & ibid. invent. riotose ceperunt & asportaver. ac avenas ipsius C. tunc & ibid. in horreo suo invent. riotose ceper. spoliaver. et asportaver. ac alia enormia ei intuler. in perniciosum exemplum ligeor. et subdit. dictæ dominæ Reg. ac contra formam divers. stat. &c. ac contra pacem &c.

Judgement, as
supra in the
first Proc

7. *An Indict. for a riotous rescous of Cattell taken damage feasant.*

Iuratores præsentant &c. quod cum R.B. tali die & anno &c. legitime fuit possessionat. de & in maner. de H. cum pertin. in W. in Com. &c. Idem R. eisdem die & anno apud W. præd. in Com. præd. inven. quædam averia, viz. &c. in quodam campo continen. per æstimationem 20. acras pasturæ, parcel. manerij de C. in Com. præd. ibidem damnum facient. quæ quidem averia sic tunc & ibidem damnum facient. I.R. & quidam T. die & anno supradict. nomine distractionis ad tunc & ibidem ceperunt, & usque S. in Com. præd. fugaverunt ubi secundum legem & consuetudinem regni Hiberniæ in quodam parco ibid. imparcare voluissent; Quidam tamen T.B. nuper de W. &c. T.C. &c. aggregatis sibi quampluribus alijs malefactoribus ignotis pacis dei & dom. reg. perturbator. ad numer. &c. modo guerrino arraiat. vi & armis &c. die & anno suprad. apud S. præd. in præd. I.R. & T. insultum fecerunt & tunc & ibidem averia præd. à præd. I.R. & T. routose & riotose ceperunt & rescusserunt contra formam divers. stat. in hujusmodi casu nuper edit. & provis. ac contra pacem &c.

Judgement,
Fine and im-
prisonment at
the discretion
of the Court.

8. For a riotous assault made upon a Vicar in his Church, and for imprisoning him in a paire of stocks.

Judgement,
as in the first
Piec.

I Vratores pro Dom. rege &c. dicunt quod *A.T. &c. H.S. &c. & W.K. &c.* aggregat. &c. die &c. anno &c. vi & armis, viz. gladijs, &c. apud C. in Com. S. præd. riotose &c. in R.L. vicarium Ecclesie parochialis in C. prædicta in pace Dei & dicti domini regis in Ecclesia prædicta tunc existen. insultum & affraiam fecerunt, & ipsum R.L. ab Ecclesia prædicta tunc violentè et manu forti extraxerunt et usque cippos in C. præd. duxerunt, et ipsum in cippis imprisonaverunt et malè tractaverunt, et alia enormia ei ad tunc et ibidem intulerunt, contra formam statut. in hujusmodi casu edit. et provis. et contra pacem dicti dom. regis, coronam et dignitat. suas.

9. For a Riot and rescous of a woman arrested among divers others by the Sheriffes officers upon a warrant from a Justice of the peace in their generall Sessions, to put in suretie to appeare before them at the next Sessions, and in the meane time to be of good behaviour, and for the hurting of one of the said officers with an Arrow.

I Vratores pro dom. Rege præsentant, quod cum *H.C. R.H. et I.B.* arm. ac socij sui Iust. dict. dom. reg. ad pacem in Com. E. conservand. necnon ad diversa felon. transgr. & alia malefacta in eodem Com. perpetrat. audiend. & terminand. assign. in generali sessione pac. tenta apud T. in Com. E. præd. die Martis proxim. post festum S. Trin. Anno &c. mandaver. vic. ejusdem comit. E. necnon &c. & eorū cuilibet, quod non omitterent propter aliquam libertatem Comit. E. præd. quin eam ingrederentur seu unus eorū ingrederetur, & attachiarent seu unus eorum attachiaret corpora *C.W.* nuper de *W.* in Com. E. **Labourer**, & *A.I.* de *W.* præd. in Comit. E. præd. **Servant**, & eos coram Iusticiar. prædict. vel uno socior. Iustic. pacis in Com. E. prædicto venire compellerent, seu eorum unus venire compelleret ad inveniendum sufficientem manucaptionem quod ipsi personaliter comparerent coram dictis Iustic. & socijs suis præd. ad proxim. Sessionem pacis in Com. E. præd. tenend. & quod interim se bene gererent erga dictum dom. Regem & cunctum populum suum, secundum formam statuti in hujusmodi casu edit. & provis. Cumque præfat. *G.L. & I.R.* virtute mandati præd. arrestassent præd. *Agn. I.* & eam coram Iustic. præd. vel eorum uno ducere voluissent, (prouc mandatum præd. Iustic. prædict. in se exigebat) quidam tamen *A.B.* de *W.* prædicta in Com. E. præd. gen. & *R.W.* de *W.* prædicta in Comitatu E. præd. **peoman**, leges dict. dom. regis minimè verent. ex malitia sua præcogitata in contemptum dicti domini regis, legum suarum ac mandati Iustic. præd. 10. die Maij, anno &c. apud *W.* prædict.

prædict. in Com. E. præd. riosoſe & illicite aſſemblati & congregati in præfat. G.L. & I.R. in pace Dei, & dicti domini Regis adtunc & ibidem existen. inſultum & affraiam fecer. ac præfat. R.W. diverſ. ſagittas, Anglicè vocat. *Arrows*, verſus præfat. G.L. & I.R. adtunc & ibidem ſagittabat, ea intentione, ut præfat. G.L. & I.R. vulneraret, ac prædict. *Agnetem* in custodia eorund. G. & I. reſcuſſer. ac præf. R.W. cum una ſagitta valor. unius denar. quam adtunc & ibidem ipſe ejaculabat & mittebat verſus præfat. I.R. è quodam arcu, Anglicè vocato *a long Bow*, valor. 2.s. quem in manu ſua læva adtunc & ibid. tenuit, percuffit, ac crus dextrum ejuſdem I.R. adtunc & ibidem perforabat & tranſforabat, dans eidem I.R. adtunc & ibidem in crure ſuo præd. unam plagam in profunditate trium pollicium; ac idem R.W. cum una alia ſagitta valor. unius denar. quam adtunc & ibidem jaculabat & mittebat verſus præd. G.L. è prædicto arcu, quem in manu ſua ſiniſtra idem R.W. adtunc & ibidem tenuit, præfat. G.L. percuffit, dans eidem G. adtunc & ibidem in inſima parte ſiniſtri cruris ejuſdem G. unam plagam in longitudine dimidij pollicis, ac in profunditate uſque ad oſſa præd. cruris ejuſdem G. Ac præterea præf. A.B. et R.W. *Agnetem* I. adtunc & ibidem à cuſt. dict. G.L. & I. R. vi & armis reſcuſſer. atque eandem *Agnetem* I. adtunc & ibidem ad largum ire & evadere fecer. contra pacem &c.

Judgement, as
in the firſt
Pref.

10. *An Indiſt. of Riot for an Affray made by divers at the general
Sefſions of the Peace.*

Iuratores pro domina Regina &c. præſentant, quod viceſimo nono die Decembris, Anno Regni dictæ dominæ noſtræ Elizabethæ, dei gratia, Angliæ, Franciæ, & Hiberniæ Reg. fidei deſenſor. &c. triceſimo quinto, apud M. in Com. G. tempore generalis Seſſionis pacis in prædicto Comit. tunc ibidem tenetæ (H. C. milite & ſocijs ſuis Iuſticiar. dict. dominæ Regiæ ad pacem in dicto Comitatu, G. conſervandam aſſignat. tunc ibidem exiſtentibus, & in plena Curia ſedentibus) quidam A.B.C.D.E.F.G.H. & I.K. de S. in Com. G. præd. generoſi, aggregatis ſibi nonnullis alijs pacis dictæ dominæ Reg. perturbatoribus ignotis ad numerum 30. hominum, vi & armis, viz. gladijs & pugionibus armat. illicite, routoſe, & riosoſe ſeſe aſſembla-
verunt, ac inter ſe inſultum & affraiam maximam tunc & ibidem fecerunt, ſeſe invicem verberantes & vulnerantes, in magnum terrorem tam dictorum Iuſticiariorum tunc ibidem in Curia ſedentium, quam totius populi dictæ dominæ Regiæ ad dictam Seſſionem pacis tunc & ibidem convenientis, ac contra pacem, coronam & dignitatem dict. Dominæ Regiæ noſtræ.

Judgement, as
ſupra, in the
firſt Pref.

Or thus.

Judgement, as
supra, in the
first Pref.

11. Juratores pro domina Reg. &c. præsentant, quod *I.B. de R.* in Com. E. præd. *yeoman*, *I.G. de eisdem yeoman*, *W.B. de P.* in Com. E. præd. *yeoman*, & *T.K. de eisdem yeoman*, undecimo die Ianuarij, Anno Regni Reginae El. &c. tertio, apud W. in Com. E. præd. tempore general. Session. pacis adtunc & ibidem tentæ (Iustic. dictæ dom. reg. ad pacem in Com. præd. conservand. assign. ibidem existent.) vi & armis, viz. &c. illicitè & riotosè sese assembler. & per instigationem & procurationem præd. *I.B.* & *W.B.* insultum & magnam affraiam adtunc & ibidem fecer. & commiser. in magnum timorem, tremorem & perturbationem tam prædict. Iusticiar. dictæ dominæ Reginae adtunc & ibidem existent. quam totius populi & ligeor. subdit. dictæ dom. Reg. in Com. S. præd. adtunc & ibidem confluen. contra formam & ordin. Iustic. præd. adtunc & ibidem de pace gerenda fact. & in manifest. contemptum dictæ dom. Reg. ac in Iustitiæ ibidem exequendæ & administrandæ retardation. manifest. ac contra pacem dictæ dom. Reg. &c.

12. Of forceible Entrie upon the statute of An. 5. R. 2. for pulling up by the roots of 100. pearches of quickset.

Judgement,
Bync, Ransome
and impri-
sonment

Juratores pro dom. Rege &c. quod cum in statuto in Parlamento domini Ric. nuper Regis Angliæ secundi post conquestum, apud Westm. Anno Regni sui 5. tent. edit. inter cætera ordinatum sit, quod nullus faceret ingressum in aliquam terram sive tenementa, nisi in casu ubi ingressus datur per legem, & in illo casu non manu forti nec cum multitudine gentium, sed licito & quieto modo tantum, & si quis contrarium fecerit & inde debitè convict. fuerit per imprisonment. corpor. sui puniatur & finem ad voluntatem domini Regis fac. (prout in eodem statuto inter alia plenius continetur) Quidam tamen *T.H. de I.* in Com. E. præd. *yeoman*, &c. & alij malefactores ighoti &c. statut. præd. minimè ponderant. secundo die M. &c. vi & armis, viz. baculis, gladijs, falcastris, & bifurcis in unum clausum *I.C. militis* jacent. apud *Arrow* in Comitatu E. præd. in quodam loco ibid. vocat. *A.* super possessionem ejusdem *I.C. militis*, ubi ingressus eis aut eorum alicui non datur per legem illicitè & manu forti ingressum fecerunt, & centum perticas sepium vivar. ipsius *I.C. milit.* adtunc & ibidem crescent. eradicaver. evulserunt, & spoliaver. in dicti dom. Reg. nunc contemptum, & ad grave damnum ipsius *I.C. militis*, & contra formam statuti præd. &c.

13. *For Forceible Entrie upon the statute of An. 5. R. 2. for entering into a mesuage, and expulſing of the owner thereof.*

Inquiratur pro Dom. Rege, quod cum in ſtatuto in Parlamento dom. Rich. nuper Regis Angliæ poſt conqueſtum 2. apud Weſtm. Anno Regni ſui 5. tento, ordinat. & ſtabilit. exiſtit, quod nulla perſona extunc faceret aliquem ingreſſum in aliquas terras vel tenementa, niſi in caſu ubi ingr. ei datur per legem, & in huiusmodi caſu non manu forti, nec cum multitudine gentium, ſed quieto & pacifico modo tantum, Et ſi aliqua perſona extunc de cætero in contrarium faceret, & inde debito modo convinceretur, puniretur per impriſonament. corporis ſui, & ulterius finem & redemptionem eid. domino Regi, ad voluntatem & placitum ipſius domini Regis, faceret, (prout in eodem ſtatuto inter alia plenius continetur) Sed quidam W. nuper de K. in Com. E. prædict. **huſbandman**, & I. W. ſenior de E. in Com. E. prædict. **Labourer**, ſtatut. prædict. minimè ponder. (nec pœnam in eodem ſtatuto contentam aliquāliter verent.) ſed illud potius contemnentes 24. die Ianuar. &c. apud S. in Com. E. prædict. in unum meſuagium ſive tenement. exiſtens liber. tenement. cujuſdam I. H. illicitè & manu forti ingreſ. fecer. ubi nec ipſis nec eorum aliqui huiusmodi ingreſ. datur per legem, ac ipſum I. H. inde injuſtè expuler. ipſumq; I. ſic inde expulſum, à prædict. 24. die Ianuar. ann. prædict. uſque ad 26. diem ejuſdem menſis tunc prox. ſequent. illicitè & manu forti extratenuer. in contemptum dicti Dom. reg. nunc, & ad grave damnum ipſius I. & contra formam ſtatuti prædict. ac contra pac. dicti domini &c. Judgement, no ſupra.

14. *An Indict. upon the ſtatute of Anno 8. H. 6. for entering with force into a Barne in the poſſeſſion of the Farmer thereof, and for keeping of the ſame with force.*

Iuratores pro Dom. rege &c. quod cum in ſtatuto in Parlamento domini H. nuper Regis Angliæ ſexti, apud Weſtm. in Comit. Midd. Anno regni ſui 8. tento, edito, inter cætera continetur quod ſi aliqua perſona (ſive aliquæ perſonæ) de aliquibus terris ſeu tenementis manu forti expulſa ſeu diſſeiſita ſit, vel pacificè expellatur, & poſtea manu forti extrateneatur, vel aliquod ſeoffamentum vel diſcontinuat. inde poſt talem ingreſſum ad juſ poſſeſſoris defraudand. & tollend. aliquo modo fiat, habeat in hac parte pars gravata verſus talem diſſeiſitor. Aſſiſam novæ diſſeiſin vel breve de tranſgr. Et ſi pars gravata per Aſſiſam vel per Actionem tranſgr. recuperet, & per verediſtum, vel aliquo alio modo per debit. legis form. inveniatur quod pars defend. in terr. & tenementa illa vi ingreſſa fuit, vel

Judgement,
Restitution of
possession,
Fyne, Ransome
and impris-
onment.

vel ea per vim post ingress. suum tenuit, recuperet quer. damna sua ad triplum versus talem defend. et ulterius idem defend. finem & redemptionem dicto domino Regi faceret, (prout in statuto præd. plenius continetur,) Quidam tamen *W.W.* nuper de *W.* in præd. Cō. *E. Husbandman*, & *C.D.* de *W.* præd. in præd. Com. *E. Labourer*, statut. præd. minimè ponderant. nec poenam in eodem statuto content. aliquam verentes, 19. die Febr. anno &c. in unum horreum apud *W.* præd. ad tunc existens liber. tenem. *R.W.* gener. vi & armis, viz. gladijs &c. manu forti & illicite super possessionem cujusdam *A.M.* tunc firmarij præd. *W.* horr. præd. intraverunt & ingressum fecerunt, & ipsum *A.* vi & armis præd. manu forti & illicite tunc inde expuler. & ejecerunt, & præf. *R.W.* inde injustè disseisiverunt; & præf. *R.W.* sic inde disseisum à præd. 19. die Febr. anno 15, suprad. usque diem captionis hujus Inquisitionis de præd. horreo, vi & armis præd. & manu forti extratenuerunt, & adhuc extratenent; in contempt. dicti Dom. reg. nunc, & ad grave damnum ipsius *R.* & contra pacem dict. dom. Regis, ac contra formam statut. prædict. ubi nullus eorum, nec ipsi nec aliquis alius cujus statum ipsi, aut aliquis eorum habuit aut habuer. infra tres annos proximos ante ingressum suum præd. aliquod in dicto horr. &c. aut in aliqua inde parcella habuit &c.

13. *An Indictment upon the statute of Anno 8.H.6. wherein is found that one was with force and Armes expelled out of the possession of a Mannour and land.*

Iur. pro Dom. regina dicunt super eorum sacrament. quod cum in statuto in parlamento domini H.6. nuper Regis Angliæ, apud *W.* Anno Regni sui octavo tent. edit. inter cætera contineatur, quod si aliqua persona de aliquibus terris vel tenementis manu forti expulsa sit vel disseisita, vel pacificè expellatur, & postea manu forti extrateneatur, vel aliquod feoffamentum vel discontinuatio inde post talem ingressum ad jus possessoris defraudand. seu tollend. aliquo modo fiat, habeat pars in hac parte gravata versus talem disseisitorem Ass. novæ disseisinz vel Breve de transgr. Et si pars gravata per Ass. vel per Actionem transgr. recuperet, & per veredictum, vel alio modo per debitam legis formam inveniatur, quod pars def. interras & tenementa illa vi ingressum fecit, vel ea post ingressum suum per vim tenuerit, recuperet querens damna sua ad triplum versus defend. & ulterius finem & redemptionem domino Regi faciat, (prout in statuto præd. plenius continetur) Quidam tamen *I.S.* nuper de *A.* in Com. *S.* præd. *yeoman*, & alij ad numerum 6. personar. Iur. ignot. statutum prædict. minimè verent. 9. die Aug. Anno Regni dom. nostræ Eliz. nunc Reg. Angliæ, 24. *R.W.* Armig. de Manerio de *G.* cum pertin. in *A.* in Com. præd. & de ducent. acr. terræ, 20. acr. prati & centum acr. pasturæ, cum pertinentijs in *A.* præd. in Com. præd. vi & armis

armis & manu forti viz. gladijs, baculis, & cultellis expulerunt & disseisiverunt, & ipsum sic expulsum & diss. à præd. nono die A. anno suprad. usque ad hunc diem manu forti & vi & armis, præd. R.W. extratenuerunt, contra pacem dictæ dom. reg. nunc, & contra ^{Judgement, as} formam statuti præd. in hoc casu edit. & provis. ^{supra.}

16. *An Indict. of forceible Entry into a mesuage with the appertinances upon the statute of 8. H. 6. against divers persons, wherein the statute is not recited.*

INquir. &c. si A.B. & C.D. nuper de &c. assumptis & associat. eis alijs malefactoribus & pacis dom. reg. perturbator. modo guerri- no arraiat. ad numerum 12. personarum quorum nomin' Iurat. præd. ignor. decimo die &c. apud D. &c. vi & armis, viz. baculis, gladijs, cultellis, falcastris, lapid. & alijs armis defensivis & invasivis, in unum mesuag. cum pertinen. super pacificam possessionem T.P. intraverunt, & dict. P. a possessione sua præd. expulerunt & disseisiverunt, & eundem T. sic expulsum & disseisitum à præd. mesuag. cum pertinen. vi & armis præd. ac manu forti extratenuer. & adhuc extratenuent, contra pac. dicti Dom. reg. ac contra formam sta- ^{Judgement, as} tuti in hujusmodi casu edit. & provis. ^{supra.}

17. *An Indict. upon the statute of 8. H. 6. for forceible Entry into one Rood of land, and assaulting and beating of I.F. and keeping the same with force.*

INquiratur pro dom. reg. Quod cum in statuto in parlamento Domini Henrici nuper Regis Angliæ sexti post Conquestum, apud Westm. Anno regni sui octavo tento, edito, inter cætera continet. quod si aliqua persona de aliquibus terris sive tenement. manu forti expulsa sit vel disseisita, vel pacificè expellatur, & postea manu forti extrateneat. vel aliquod feoffamentum vel discontinuatio inde post talem ingressum suum ad jus possessoris defraudand. vel tollend. aliquo modo fiat, habeat pars in hac parte gravata versus talem disseisitorem Assisam novæ disseisinæ vel breve de transgr. Et si pars gravata per Assisam vel per Actionem transgressionis recuperet & per verediçt. vel alio quocunque modo per debit. legis formam inveniatur quod pars defendens vi ingressus fuerit, vel dicta tenementa per vim post ingressum suum tenuerit, recuperaret querens damna sua ad triplum versus defendent. & ulterius finem & redemptionem dom. Regi fac. (prout in eod. statuto plenius continetur) Quidam tamen I.W. de W. in Com. præd. *yeoman*, E.H.I.L. & alij, statut. prædict. minime ponderan. 7. die Martij, Anno &c. vi & armis, viz. baculis, gladijs, & fustibus seiplos assemblaverunt, congregaverunt, & coaduniver. & sic assemblati, congregati, & coaduniti existen. modo guerrino arraiati, riosisè & illicitè

Judgement, *in*
supra.

in unam rodam terræ liberi tenementi cuiusdam G.B. gener. apud W. in quodam loco vocat. **Catmoze Dale**, in Comitatu præd. ingressi fuerunt: & in quosdam I.F. & I.W. adtunc & ibidem insultum & affraiam fecer. & ipsos verberaver. & maletractaver. & ipsum G.B. de eadem roda terræ manu forti expulerunt & disseisiverunt, & ipsum G.B. sic expulsum & disseisitum inde manu forti extratenerunt & adhuc extrateneant, in dicti Dom. Reg. nunc contemptum, & ipsius G. grave damnum, ac contra formam statuti præd. & contra pac. dicti Dom. &c.

*18. An Indictment of Forceible Entry upon the statute of
Anno 8. R. 6.*

Judgement, *in*
supra.

Inquir. pro Dom. Reg. Quod cum in statuto in Parlamento domini Henrici 6. nuper Regis Angliæ apud W. Anno regni sui octavo tento, edito. inter cætera continetur, Quod si aliqua persona de aliquibus terris vel tenementis expulsa sit vel disseisita, vel pacifice expellat. & postea manu forti extrateneatur, vel aliquod feoffamentum vel discontinuatio inde post talem ingressum ad jus possessor. defraudand. & tollend. aliquo modo fiat, habeat pars in hac parte gravata (versus talem disseisitorem) Assisam novæ disseisinæ vel breve de transgressione, Et si pars gravata per assisam vel actionem transgressionis recuperet, & per veredictum vel alio modo per debitam legis formam inveniat quod pars defendens in terris vel tenementis vi ingressa fuit, vel ea per vim post ingressum suum tenuit, recuperabit querens damna sua ad triplum versus defendentem, & ulterius finem & redemptionem ad Dom. Reg. faciet, (prout in statuto præd. plenius apparet) Quidam tamen I.D. de D. in Comitatu prædicto **peoman**, & R. S. de eadem **peoman**, statutum prædict. minimè verent: primo die Maij, Anno &c. apud D. præd. in Comitatu prædicto quendam W.S. de uno mesuagio cum pertinentijs in D. prædicta per mandatum W. Bush, manu forti expulerunt & disseisiverunt, ac ipsum sic expulsum & disseisit. à prædicto primo die Maij usque diem captionis hujus Inquisitionis extratenerunt, & adhuc extrateneant, contra pacem dom. Reg. nunc, coron. & dignitat. suas, & contra form. stat. in hujusmodi casu edit. & provis.

*19. An Indict. of forceible Entry upon the statute of
Anno 5. R. 2.*

Iurat. &c. præsent. quod cum in stat. in Parliam. dom. Regis Rich. nuper Regis Angliæ secundi, apud Westm. Anno regni sui quinto tento, edito, inter alia ordinat. sit, Quod nullus faciat ingressum in aliquibus terris sive tenementis nisi in casu ubi ingressus ei datur per legem, & in illo casu non manu forti nec multitudine gentium, sed licito & quieto modo tantum, Et si quis in contrarium fecerit & inde debito modo convict. fuerit per imprisonament. corporis sui puniatur, & ad voluntatem Dom. Regis redimatur (prout in eodem statuto plenius

plenius continetur) Quidam tamen *I.S.* de &c. stat. præd. minime ponderans nec poenam in eod. content. die &c. anno &c. in quodam mesuag. cum pertinentijs & quatuor acr. terræ cujusdam *I.B.* apud *H.* præd. in Com. præd. (in quibus eid. *Iohanni* ingressus non datur per legem) ingressus fuit, in dicti dom. Reg. contempt. ac contra formam statuti prædicti. Judgement,
Fyne, Ransome
and imprisonment

20. *An Indict. of Forceible Entrie for Lessee for yeares, that is put out, grounded upon the stat. of 10. Car.*

Iurator. &c. dicunt & præsentant, quod *A.B.* de *C.* in Com. prædict. gen. seifitus fuit in dominico suo ut de feodo de & in uno mesuagio &c. cum pertinentijs in *Dale* in Com. prædicto, & sic seifit. existens die &c. Anno &c. apud *D.* præd. dimisit & ad firmam tradidit prædict. mes. &c. cuidam *C.D.* pro termino 21. annorum extunc proximè sequentium plenariè complendorum, & quod virtute ejusdem dimissionis idem *C.D.* postea, scilicet, die &c. anno &c. in prædict. mesuag. &c. intravit & fuit inde possessionatus (reversione inde prædicto *A.B.* expectante) Et prædictus *C.D.* possessionem suam prædict. inde quietè et pacificè continuavit quousque *E.F.* de *Dale* prædicta *peoman*, die &c. anno &c. in prædict. mesuag. &c. vi & armis intravit & ipsum *C.D.* a possessione sua inde manu forti & vi armata ejecit & expulsit, & ipsum *C.D.* sic ejectum & expulsum ab eod. mesuag. &c. à prædicto die &c. anno &c. usque ad hunc diem, cum hujusmodi fortitudine & potentia armata, extratenuit, & adhuc extraheret, in magnam pacis domini Regis perturbationem, ac contra formam stat. in hujusmodi casu edit. & provis. Judgement,
Restitution,
Fine, Ransome
and imprisonment

21. *An Indict. of forceible Entrie for Tenant by Elegit, upon the said statute of 10. Caroli.*

Iurator. &c. dicunt & præsentant, quod cum *A.B.* de *C.* in Com. prædicto *peoman*, coram Iusticiarijs domini Regis nunc de Banco, in Termino sanctæ Trinitatis, Anno Regni sui &c. per judicium ejusdem Curie recuperaverit versus *C.D.* de *Dale* in Com. prædicto *peoman*, quoddam debitum & damna attingen. ad viginti libras, Et prædictus *A.B.* in Com. præd. pro satisfactione ejusdem summae facienda, elegit omnia bona & catalla prædicti *C.D.* (præter boves & affros de carruca sua) necnon medietatem omnium terrarum & tenementorum ejusd. *C.D.* juxta formam statuti, inde edit. & provis. sibi liberari, cumque etiam *T.K.* Miles nuper vicecomes Comit. prædicti virtute brevis dicti Domini Regis de *Elegit* ex parte dicti *A.B.* eidem tunc vicecomiti Com. prædicti direct. geren. dat. die &c. anno &c. secundum exigentiam ejusdem Brevis, deliberabat prædicto *A.B.* unum mesuag. in *D.* prædicta

Judgement, as
supra.

annui valoris viginti solidor. existen. medietatem omnium terrarum & tenementorum de quibus prædict. C. D. tempore judicij prædicti redditus aut unquam postea fuit seisitus in Com. præd. tenend. sibi & assignat. suis ut liberum tenementum suum, juxta formam statuti in hujusmodi casu provis. donec idem A. B. prædictas viginti libras juxta valorem prædict. de mesuagio prædicto levaverit, virtute cujus prædict. A. B. in mesuagium prædict. cum pertinentijs intravit & fuit inde possessionatus, ut tenens per *Elegit*, & possessionem suam inde quietè & pacificè continuavit quousque R. G. de D. & c. & alij malefactores ignoti die & c. anno & c. vi & armis, viz. baculis & c. in mes. prædictum & c. intraver. & ipsum A. B. manu forti & vi armata à possessione sua prædicta inde ejecer. & expulerunt, & eundem A. B. sic expulsum & ejectum ab eodem mesuagio & c. à prædicto die & c. anno & c. usque hunc diem cum hujusmodi fortitudine & potentia armata extratenuerunt, & adhuc extratenent, in magnam pacis dicti domini regis perturbationem, ac contra formam statut. in hujusmodi casu edit. & provis.

The like Endictment may be made for Tenant by Statute Merchants, or of the Staple or upon a Recog. mutatis mutandis.

22. *An Indictment of Forceible Entry for Guardian in Chivalrie, that is put out by force, upon the Statute of 10. Carols.*

Judgement, as
supra.

Iurator. & c. dicunt quod A. B. nuper de C. in Com. D. prædicto **peoman**, seisitus fuit in dominico suo ut de feodo de & in uno mesuag. & c. in **Dale**, in Com. prædicto, & sic seisitus existens obiit inde seisit. post cujus mortem prædict. mesuagium & c. descendebat E. B. filio & hæredi suo, qui quidem E. B. tempore mortis patris sui prædicti fuit, & adhuc est, infra ætatem viginti & unius annorum, & quod custodiam terræ & hæredis prædicti A. B. pertinet ad G. H. armiger. eo quod prædictus A. B. terram suam prædict. tenuit de præfato G. H. per servitium militare, virtute cujus, idem G. H. in mes. prædict. & c. intravit, & fuit inde possessionatus ut Guardianus per servitium militare, & possessionem suam prædict. inde diu pacificè & quietè continuavit, quousque I. K. de Dale prædicta **peoman**, die & c. anno & c. in mesuag. præd. & c. vi & armis intravit, & ipsum G. H. à possessione sua inde manu forti & vi armata expulit & ejecit, & ipsum G. H. sic expulsum & ejectum ab eod. mes. & c. à prædicto die & c. usque ad hunc diem, cum hujusmodi fortitudine & potentia armata, extratenuit, & adhuc extratener, in magnam pacis dicti domini Regis perturbationem, ac contra formam statut. in hujusmodi casu edit. & provis.

23. *An Indict. of forceible Entrie for Tenant by Coppy of Court Roll, upon the statute of 10. Caroli.*

Iur. &c. dicunt & præsentant, quod *A. B. de C. in Com. præd. pæoman*, seifitus & possessionatus fuit in dominico suo ut de feodo ad volunt. domini secundum consuetudinem Manerij de *Dale* in Com. prædicto de uno mesuag. &c. in *Dale* præd. ut tenens per Copiam Rotulorum Curie ejusdem Manerij, & sic seifitus & possessionatus existens seisinam & possessionem suam prædict. diu pacificè & quietè continuavit, quosque *E. F. de Dale* præd. in Com. prædicto *Labouret*, die &c. anno &c. in mesuag. prædict. &c. vi & armis &c. intravit, & ipsum *A. B.* à possessione & seisina sua prædicta inde manu forti & vi armata expulit & amovit, & ipsum sic expulsum & amot. ab eod. mesuag. &c. à prædicto die &c. anno &c. usque ad hunc diem cum hujusmodi fortitudine & potentia armata extratenuit, & adhuc extratener, in magn. pacis dicti domini Regis perturbationem, ac contra formam statut. in hujusmodi casu edit. & provis. Iudgement, as
supra.

24. *An Indictment for breaking of a Pound where castell are impounded for damage feasant.*

Iuratores pro Dom. rege &c. præsentant, quod cum *H. de E.* in damno suo, viz. in mille acris pasturæ apud *C. in Com. D. præd.* per *W. G.* fervientem suum quædam averia, viz. ducent. oves cepisset, & idem *W.* averia illa secundam legem & consuetudinem regni regis Hiberniæ apud *B. in Com. prædicto* imparcasset, quidam *I. S. de D.* in Com. prædicto *peoman*, die &c. anno &c. parcum illum, vi & armis, viz. gladijs, baculis, &c. fregit, & averia prædicta ad tunc & ibidem extra parcum præd. cepit & abduxit, contra pacem Domini Regis nunc, coronam & dignitatem suas. Lib. Intr. fol.
402. 1.

Iudgement,
Fyne and
Imprisonment.

25. *Another Indict. for breaking of a Pound where castell are impounded for fealsie, rent, and suit of Court.*

Iurator. pro Dom. Rege &c. præsentant quod cum *C. D. de E.* in Comitatu *F. peoman*, die &c. anno &c. in feodo suo apud *S. in Comitatu prædicto*, viz. in uno mesuagio & una virgata terræ ibidem, quæ *A. B. de C. in Com. prædicto peoman*, de ipso tenet per fidelitatem & redditum octo solidor. singulis annis ad Festa Pasc. et Sancti Mich. Archangeli æquis portionibus solvend. et per servitium faciendi sextam ad Curiam ipsius *C.* manerij sui de *M. in Com. prædicto* de tribus septimanis in tres septimanas, de quibus servitijs idem *C.* fuit seifitus per manus prædicti *A.* ut per manus veri tenentis sui, pro consuetudinibus et servitijs viz. pro octo solid. eidem *C.* de reddit. prædicto

Lib. Intr. fol.
448. 1.

Judgement, ⁱⁿ
supra.

prædicto pro uno anno proxim. ante &c. debit. per T.W. servientem suum quædam averia viz. octo boves capi fecisset, & idem T. averia illa secundum legem & consuetudinem regni Regis Hiberniæ tunc & ibidem imparcasset, prædictus A. parcum illud (eisdem die, anno, & loco) vi & armis, viz. gladijs &c. fregit, & tunc & ibidem averia illa extra parcum præd. cepit & abduxit, contra pacem Domini Regis, coronam & dignitatem suas.

26. *Another Indict. for breaking a Pound where cattell were impounded being distrained for rent reserved upon a Lease.*

Lib. Intr. fol.
404 41

Iurat. pro domino Rege &c. præsentant, quod cum A.B. miles, primo die Maij anno regni domini Regis nunc decimo, apud S. in Com. D. dimisisset cuidam R.E. unum mesuagium et 20. acras terræ cum pertinentijs in S. prædicta, habendum sibi à Festo Sancti Michaelis Archangeli tunc proxim. sequent. per unum annum integrum tunc proximè sequentem, & sic de anno in annum quamdiu eidem A.B. placeret, reddendo inde eidem A.B. & hæredibus suis quolibet anno (quo idem R.E. tenementa præd. cum pertinentijs virtute dimissionis illius haberet et occuparet) quatuordecim solidos & quatuor denar. ad Fest. Annunciationis beatæ Mariæ virginis & sancti Michaelis Archangeli æquis portionibus solvend. virtute cuius dimissionis idem R.E. tenementa prædicta cum pertinentijs à dicto Festo Sancti Michaelis Archangeli proxim. post dimissionem prædict. hucusque habuisset et occupasset, ac idem R.E. de tenementis prædictis virtute dimissionis prædictæ possessionatus fuisset, idem A.B. in feodo suo viz. in prædict. 20. acris terræ parcell. tenementorum prædictorum apud S. prædict. pro 14.s. & 4.d. de redditu prædict. aretro existent. pro termino Annunciationis beatæ Mariæ virginis, Anno Regni Domini Regis nunc 13°. & pro termino Sancti Michaelis Archangeli tunc proximè sequent. sibi debitis, per R.K. servientem suum quædam averia, viz. 2. equos, 2. boves, 9. vaccas, 3. bovículos, & quinque vitulos, 17°. die Septembris, Anno regni Domini Regis nunc 13. capi fecisset, & idem R.K. averia illa secundum legem & consuetudinem regni Domini Regis Hiberniæ tunc & ibidem imparcasset, Quidam I.T. de H. in Com. præd. *peoman*, parcum illud eodem 17. die Septembr. Anno 13. supradicto apud S. præd. vi & armis, viz. gladijs &c. fregit, & averia præd. extra parcum prædictum cepit & abduxit, contra pacem Domini Regis, coronam & dignitatem suas.

Judgement, ⁱⁿ
supra.

27. *An-*

27. *Another Indict. for breaking a Pound and taking out cattle
impounded for amerciements in a Court.*

Lib. Int. fol.
409.3.

Iuratores pro Domino Rege &c. presentant, quod cum *Richardus Southwell* fuit seiscitus de manerio de *Weston*. in Comitatu B. cum pertinentiis in dominio suo ut de feodo infra quod quidem manerium idem *Richardus* & omnes illi quorum statum ipse tunc habuit in eodem manerio quandam Curiam Baronis vocat. Curiam forinsecam infra idem manerium coram sectatoribus ejusdem Curie tenend. de tribus septimanis in tres septimanas habuerunt & a tempore cujus contrarii memoria hominum non existit habere consueverunt, in qua quidem Curia omnia placita in Curia Baron. placitabilia ac alia placita secundum consuetudinem manerij illius ab eodem tempore placitata fuerunt, & quod in dicto manerio a toto tempore predicto habebatur talis consuetudo, viz. quod quoties & quandocunq; aliqua querela debiti, transgressionis, seu alicujus alterius contractus in Curia manerij illius coram sectatoribus ejusdem Curie pro tempore existen. versus aliquam personam levata sive affirmata fuerit secundum consuetudinem manerij illius, si pars in hujusmodi querela defendens in eadem Curia non venerit querenti in eisdem querelis responsurus, & per ballivum manerij predicti & ministrum Curie predictae pro tempore existente in eadem Curia testificat. fuerit quod hujusmodi defendens summonitus, attachiatus, sive praemonitus fuit, quod tunc defendens ille ad Curiam illam ad quam defaultam fecerit per discretionem sectatorum Curie manerij illius pro tempore existente amerciatus foret ad certam pecuniae summam, & illam per ejus defectum amitteret, & si dictus defendens ad proximam Curiam in dicto Manerio tunc tenendam non venerit praefato querenti responsurus. sed iterum fecerit defaultam, quod tunc defendens ille ad dictam Curiam (ad quam secundo fecit defaultam) per discretionem sectatorum Curie manerij illius pro tempore existente iterum amerciatus foret ad certam majorem pecuniae summam, & sic de Curia in Curiam idem defendens amerciatus foret ad majorem pecuniae summam per discretionem sectatorum ejusdem Curie quousque idem defendens comparuerit in dicta Curia praefato querenti in dicta querela responsurus; & quod praed. *Richardus* & omnes illi quorum statum dictus *Richardus* in eodem manerio tunc habuit a toto eodem tempore usi fuerunt ad distringendum per ballivos suos ejusdem manerij pro tempore existen. infra idem manerium, membra, & praecinct. ejusdem, quoscunque qui ad aliqua hujusmodi amerciamenta in Curia praed. amerciati forent per bona & catalla sua quousque amerciamenta illa sibi soluta fuerint, & quod dictus *Richardus Southwell* sic de manerio predicto in forma praed. seiscit. manerium praed. cum pertinentiis dimisit *Elisabetha* Ducissa *Norfolciae*, habendum sibi ad terminum vitae suae, virtute

virtute ejus dimissionis eadem ducissa fuit & adhuc existit inde seifita in dominico suo ut de libero tenemento, & ipsa sic inde seifita existen. quidam *Henricus Low* ad Curiam ipsius Ducissæ manerij illius tentam apud idem manerium in dicto Com. *H.* die Martis proximo post Festum Sancti Michaelis Archangeli anno regni Dō. Regis nunc nono, coram *R. F. R. W. I. B. & W. I.* ad tunc sectator. ejusdem Curie manerij illius, affirmavit quandam querelam debiti super demand. 30.s. versus *Willielmum Westerdale* nuper de E. in Com. prædicto Clericum, & invenit plegios de prosequendo querelam illam, viz. *L. H. & H. F.* & petijt processum inde fieri versus prædictum *Willielmum Westerdale* secundum consuetudinem manerij præd. & ei concessum fuit; per quod ad petitionem prædicti *Henrici* præceptum fuit *T. R.* ad tunc Ballivo ipsius Ducissæ manerij sui prædicti & ministro Curie illius, quod summon. per bonos summonitores prædictum *Willielmum Westerdale* quod esset ad proximam Curiam ipsius Ducissæ manerij sui præd. apud manerium illud in prædicto Com. *H.* coram sectatoribus Curie illius, scil. die Martis in Festo Sancti Martini Episcopi tunc proximè sequen. ad respondendum præfato *Henrico Low* de præd. placito, & idem dies datus fuit præfato *Henrico* tunc ibidem &c. Ad quem diem, viz. ad Curiam prædictam coram præfatis *R. F. R. W. I. B. & W. I.* ad tunc sectatoribus Curie illius apud manerium prædictum, eodem die Martis in Festo Sancti Martini Episcopi in dicto Com. *H.* tentam, venit prædictus *Henricus Low* in propria persona sua, & obtulit se versus prædictum *Willielmum* de prædicto placito, & ipse idem *Willielmus* solemniter exactus tunc ibidem non venit, & præfatus Ballivus & minister Curie illius testabatur quod præd. *Willielmus* summonitus fuit &c. per quod ad tunc & ibidem per eosdem sectatores Curie illius secundum consuetudinem dicti manerij consideratum fuit, quod præd. *Willielmus* amerciatus foret ad sex denarios, & quod præd. *Willielmus* attachiaretur, quod esset ad proximam Curiam ipsius Ducissæ manerij sui prædicti apud manerium illud coram sectatoribus Curie illius, scil. die Martis proximo post Festum Sancti Andreæ Apostoli tunc proximè sequens in dicto Com. *H.* tenend. ad respondend. præfato *Henrico* de prædicto placito. Per quod ad tunc ibidem præceptum fuit præfato tunc Ballivo & ministro &c. quod attachiaret prædictum *Willielmum* quod esset ad eandem Curiam ad respondend. in forma præd. idem dies datus fuit eidem *Henrico* tunc ibidem &c. ad quem diem scil. ad prædictam Curiam manerij illius apud manerium illud eodem die Martis proximo post Festum Sancti Andreæ Apostoli (coram prædictis *R. F. R. W. I. B. & W. I.* ad tunc sectatoribus Curie illius) in dicto Comitatu *H.* tentam venit prædictus *Henricus Low* in propria persona sua & obtulit se versus prædictum *Willielmum* de prædicto placito, & ipse idem *Willielmus* solemniter exactus non venit, & præfatus Ballivus & minister &c. tunc ibidem testabatur quod attachiatus est per plegios *H. V. & A. H.* per quod ad tunc

tunc & ibidem per eosdem sectatores Curie illius secundum consuetudinem manerij illius consideratum fuit, quod idem *W.* amerciatum foret ad 8. d. & quod cum eadem Ducissa 20. die Febr. Anno regni Domini Regis nunc &c. per prefat. *T. R.* ad tunc Ballivum suum manerij sui predicti quendam averia, viz. duas vaccas prefati *Willielmi Westerdale* in feodo ipsius Ducissæ, viz. apud *M.* in predicto Com. *B.* ac infra præcinctum Manerij predicti, pro quibusdam amerciamentis, viz. quatuordecim denarijs (ad quos predictus *Willielmus Westerdale* in Curia ipsius Ducissæ manerij sui de *Weston* predict. apud manerium illud in forma predicta tenta incidit ut amerciatum fuit) cepisset & ibidem imparcasset, præd. tamen *Will. Westerdale*, *T. M.* de D. in Com. *H.* præd. *peoman*, et *T. G.* de *F.* in eodem Com. *H.* *peoman*, parcum illud eodem die &c. anno &c. vi & armis, viz. gladijs &c. fregerunt, & averia predicta extra par-^{judgement, as} cum præd. ceperunt & abduxer. contra pacem Domini Regis,^{supra.} coronam & dignitat. suas.

28. *An Indictment of Rescous of a distresse taken for a Rent charge by Grant.*

Iur. &c. quod cum quidam *I. S.* fuit seifitus in dominico suo ut de feodo de uno mes. & 20. acr. ter. in *F.* in Com. *D.* præd. & sic inde seifit. per factum suum concessit cuidam *R. S.* hæredibus & assignatis suis unum annualem redditum 20. solidorum percipiend. annuatim de dict. mesuag. & terra ad festa Sancti Michael. Arch. & Paschæ per æquales portiones, concessit etiam eidem *I. S.* per præd. factum quod si redditus præd. ad aliquod festum festor. prædictorum aretro fore contingeret, quod tunc bene liceret prefato *R. S.* hæred. & assignat. suis in mesuagio & terris præd. distringere, et distractiones sic captas retinere quousque de omnibus arreragijs simul cum damnis & expensis causa detentionis habitis plenarie fuerit satisfactum, & pro majori securitate eid. *R. S.* inde faciend. deliberavit eidem *R. S.* nomine seifinæ predicti annui redditus quatuor denarios, virtute cujus idem *R. S.* fuit de annuali redditu præd. seifitus in dominico suo ut de feodo, & sic inde seifit. die &c. anno &c. apud *F.* præd. obiit, post cuius mortem præd. annual. redditus descendebat *A.* uxori cujusdam *I. A.* ut filie & hæredi predicti *R.* & post sponsalia inter predict. *I. A.* & præd. *A.* celebrat. præd. reddit. pro uno anno ultimo præterito aretro existen. præd. *I. A.* in iure predictæ *A.* uxor. ejus, apud *F.* præd. viz. in præd. mes. & ter. pro redditu præd. quendam catalla viz. unum cacabum ad valent. &c. die &c. anno &c. cepisset, ac idem *I. A.* catalla præd. nomine distractionis ibidem secundum legem & consuetudinem regni Hiberniæ detinere voluisset, Quidam tamen *G.* et *N.* de &c. in Com. &c. catalla illa vi et armis viz. gladijs, baculis &c. ab eodem *I.* ad tunc et ibidem abstulerunt et rescusserunt, et alia enormia &c. contra pac. &c.^{judgement, Fyne and Imprisonment,}

29. *An Indict. of Rescous for rescuing a distresse taken for a
Rent charge by prescription.*

IUr. &c. quòd cum T.K. seifitus sit, & à diù fuerit, de tribus mes.
& 40. acr. ter. cum pertinentijs in C. in dominico suo ut de feodo,
ac quidam T.W. seifitus exist. & diù fuerit de manerio de R. cum
pertinentijs in Com. præd. & de quodam annuali redditu 6. denar. vo-
cat. **Kings Siluer**, & unius modij frumenti vocat. **Kings Cozne**,
in eadem villa de C. præd. ut parcell. ejusdem manerij exeunt. de me-
suag. & terris supradict. singulis annis ad festum S. Mich. solvend. in
Dominico suo ut de feodo; Idemque T.W. & antecessores sui & om-
nes illi quorum statum ipse habet in manerio præd. cum pertinentijs
seifiti fuissent de præd. redditu 6. denarior. & unius modij frumen-
ti de tenementis prædictis cum pertinentijs singulis annis ad præd.
festum S. Michael. solvend. per manus prædicti T.K. modo tenentis
prædict. mesuagij & terræ & tenentium præd. mes. & ter. pro tem-
pore existen. a tempore quo non extat memoria, & per rotum idem
tempus usi fuissent ad distringend. in eisd. mes. & ter. pro redditu
præd. aretro existen. quoties eis aretro fore contigeret non solut.
Ac idem T.W. die &c. anno &c. in præd. tribus mes. & 40. acris ter.
prædicti T.K. apud C. præd. pro annuo Redditu præd. districtioni ip-
sius T.W. in forma præd. obligat. aretro existen. viz. pro 4. solidis
& 8. modijs frumenti de Redditu illo eidem T.W. per octo annos
tunc prox. præterit. aretro existen. non solut. per T.P. servientem
suum quæd. averia, viz. duos equos capi fecisset, & idem T.P. averia
illa secundum legem & consuetudinem regni Hiberniæ ibidem im-
parcare voluisset, Quidam tamen I.W. de C. in Com. præd. **peoman**,
die &c. anno &c. vi & armis, viz. gladijs, baculis, &c. averia illa ab
eodem T.P. rescussit & abduxit, & alia enormia &c. contra pac. &c.

Judgement, in
supra.

30. *An Indictment of Rescous for rescuing a distresse taken by a
Collector of the Subsidie.*

I. ib. Intr. fol.
327.

IUr. &c. quòd cum A.B. unus collector. dom. reg. unius integri sub-
sidij eidem dom. Regi à laicis in ultimo Parlamento suo in Com.
D. præd. concessi, per C.D. servient. suum quædam averia, viz. duas
vaccas de bonis et catallis cujusdam E.F. de G. in Com. præd. **peo-**
man, pro summa 20. solid. super eund. E.F. secundum formam statut.
in hujusmodi casu provis. ratione subsidij præd. modo legitimo assess.
apud S. in Com. præd. capi fecisset, & idem B. averia prædicta ibidem
secundum legem Regni Hiberniæ imparcare voluisset, prædictus ta-
men C. die &c. anno &c. apud S. præd. vi & armis &c. averia præd. ab
eod. B. rescussit & abduxit, & alia enormia &c. contra pac. &c.

Judgement, in
supra.

31. *An Indictment for rescuing a distresse taken for Rent reserved upon a Lease.*

Lib. Intr. fol.
327.1.

I Ur. &c. quod cum quidam E. die &c. anno &c. in feodo suo viz. in uno mes. cum pertinentijs apud R. in Com. D. prædict. quod quidam I. N. de D. in Com. præd. **peoman**, ad tunc tenuit de prædict. E. ad terminum novem annorum pro 40. s. eid. E. & assign. suis singulis annis ad festa Paschæ et S. Mich. Arch. æquis portionibus solvend. et pro 20. s. ad festum &c. per T. W. servient. suum quædam averia et catalla viz. unum equum et unam vaccam capi fecisset, & idem T. averia illa ibidem imparcare ac nomine districtionis secundum legem et consuetudinem regni Hiberniæ ibidem detinere voluisset, prædictus I. averia illa dictis die et anno, vi et armis &c. ibidem rescussit, & catalla prædicta à præd. T. ad tunc & ibidem abstulit & rescussit, et alia enormia &c. contra pac. &c.

Judgement, as
supra.

32. *An Indictment for rescuing a distresse taken for Rent Service.*

Lib. Intr. fol.
329.

I Ur. &c. quod cum A. B. die &c. anno &c. in feodo suo apud C. in Cō. D. præd. viz. in uno mes. cum pertinentijs in ead. villa quod quidam R. T. de D. in Com. prædict. **peoman**, tunc tenuit de ipso A. B. per fidelitatem et redditum 8. solidor. ad Festa &c. per æquales portiones solvend. & per servitium faciendi sectam ad Curiam ipsius A. manerij sui de C. præd. de tribus septimanis in tres septimanas tenend. de quibus servitijs prædictus A. fuit seiscitus per manus præd. R. T. ut per manus veri tenentis sui & sic seiscit. existens pro duobus solid. redditus præd. de termino natalis dom. anno supradicto, eidem A. aretro existen. per N. H. servient. suum quædam bona, viz. sex ollas æneas apud C. præd. in mesuagio præd. capi fecisset, & idem N. ollas præd. nomine districtionis secund. legem & consuetud. regni Hiberniæ dict. die &c. anno &c. ibidem detinere voluisset, prædictus tamē R. T. ollas præd. ab eod. N. vi & armis &c. tunc & ibidem abstulit, & alia enormia &c. contra pac. &c.

Judgement, as
supra.

33. *Another Indict. for rescuing of a distresse taken for rent service and fealtie.*

Lib. Intr. fol.
329.54

I Vrat. &c. quod cum N. M. de D. in Com. C. præd. **peoman**, fuisset seiscitus de ducentis acris terræ cum pertinentijs in E. in Com. præd. & illas tenuisset de I. A. patre cujusdam B. A. ut de manerio suo de E. in Com. prædict. per homagium & fidelitatem & per redditum 16. solid. & 4. d. singulis annis ad Festa, &c. æquis portionibus solvend. de quibus quidem servitijs idem I. A.

pater prædicti B. A. fuit seifitus per manus prædicti N. ut per manus veri tenentis sui, & de eodem manerio feoffavit prædictum B. A. habend. & tenend. præd. manerium cum pertinen. eid. B. A. hæredibus & assignat. suis in perpetuum; virtute cuius feoffamenti idem B. A. de Manerio præd. cum pertinen. fuit seifitus in dominico suo, ut de feodo, & præd. N. M. tenens prædictar. ducentar. acrarum terræ præfato B. A. apud E. præd. pro Redditu & servitijs præd. attornasset, & cum idem B. A. die Iovis prox. post Festum &c. anno &c. in feodo suo apud E. præd. viz. in prædict. ducent. acris terr. pro consuetudinibus & servitijs sibi debitis, viz. pro fidelitate prædicti N. eid. B. A. a retro existen. infect. & pro sex libris & sexdecim solidis eidem B. A. de dicto Redditu ad festa præd. per septem annos ante præd. diem Iovis & post feoffament. præd. eid. B. a retro existen. per W. M. servient. suum in præd. ducentis acris terr. quædam averia, viz. 8. equos, & catalla, viz. 2. carrucas cum toto apparatu, capi fecisset, & averia illa ibidem imparcare, ac catalla præd. nomine districtionis secundum legem & consuetudinem regni Hiberniæ ibidem detinere voluisset, prædictus tamen N. M. averia illa vi & armis &c. ad tunc & ibidem rescussit, & catalla præd. ab eodem W. ad tunc & ibidem abstulit, & alia enormia &c. contra pac. &c.

Judgement, ut
supra.

34. *An Indict. for rescuing a distresse taken by Tenant by the cur-
resie for Rent service and fealtie.*

Lib. Intr. fol.
529. 6.

IVr. &c. quod cum A. quondam uxor T. nuper fuisset seifita de manerio de L. cum pertinentijs in Com. præd. in dominico suo ut de feodo, & sic inde seifita cepit in virum prædictum T. per quod iidem T. & A. fuerunt inde seifiti in dominico suo ut de feodo in jure ipsius A. quodque quidam I. E. de B. in Com. præd. **peoman**, nuper fuisset seifitus de uno mesuagio, &c. cum pertinentijs in L. præd. in dominico suo ut de feodo, & tenement. ill. cum pertinentijs tenuit de ipsis T. & A. in jure ejusdem A. ut de manerio suo prædicto per homagium, fidelitat. & per Redditum 8. solid. ad festa &c. per æquales portiones solvend. & per servitium faciendi sect. ad Cur. ipsor. T. & A. manerij sui præd. de tribus septimanis in tres septimanas, de quibus quidem servitijs prædicti T. & A. fuerunt seifiti per manus prædicti I. E. ut per manus veri tenentis sui; qui quidem T. & A. habuerunt exitum inter eos quædam A. & M. & postea eadem A. uxor prædicti T. die &c. anno &c. apud L. præd. obiit, & idem T. ipsam supervixit, & se tenuit in maner. præd. cum pertin. & inde fuit & adhuc existit seifitus in dominico suo ut de libero tenemento, ut tenens inde per legem Angliæ & Hiberniæ, posteaque præd. I. E. obiit de tenementis præd. cum pertinent. in forma præd. seifitus; post cuius mortem tenementa præd. cum pertinentijs descendebant cuidam E. ut filio & hæredi prædicti I. E. per quod idem E. in mesuag. præd. &c. cum pertin. intravit & inde fuit

fuit & adhuc existit seifitus in dominico suo ut de feodo, post quorum quidem *A. & E.* mort. scilicet die &c. anno &c. idem *T.* in feodo suo viz. in præd. mesuag. cum pertinen. pro consuetudinibus & servitijs sibi debitis viz. pro Redditu 32. solidor. pro tribus annis integris proxim. ante præd. diem &c. ac fidelitat. prædicti *E.* infest. eid. *T.* per *I. B.* servient. suum decem oves infra mesuagium præd. &c. invent. capi fecisset, & idem *I. B.* oves illas secundum legem & consuetudinem Regni Hiberniæ imparcare voluisset, Quidam tamen *H. P.* de *D.* in Com. præd. *peoman*, prædicto die &c. anno &c. easd. oves, vi & armis, scilicet gladijs &c. apud *L.* præd. rescussit & abduxit, & alia enormia &c. contra pacem &c. Judgement, ^{supra}

35. *An Indict. against two for assaulting of one, and for taking of four Kyne from him that he had taken damage season in his land, and was carrying them to the pound.*

INquir. pro Dom. Reg. si *I. L.* de *B.* in Com. *S. peoman*, & *I. L.* nuper de ead. villa in Com. præd. *peoman*, 15. die &c. apud *B.* præd. vi & armis in & super *I. D.* insult. fecer. & adtunc & ibid. 4. vaccas quas in & super ter. suam in *B.* præd. damnum facient. cepisset & secundum legem hujus regni Hiberniæ ibidem imparcare voluisset, ab eodem *I. B.* ceper. & abinde contra ejus voluntat. abduxer. & rescusserunt, contra pac. Dom. Reg. &c. Judgement, ^{supra}

36. *An Indict. for a Rescous made against the Sheriffes Bailiffes of one by them arrested by force of the Kings writ, and for the taking away and detaining the said writ.*

INquir. pro Dom. Reg. si *R. W.* & *D. P.* de *C.* in Com. *L. peoman*, die &c. anno &c. apud *D.* præd. in Com. præd. vi & armis &c. in & super *B. C.* & *I. H.* ballivos itinerant. *T.* vic. Com. *F.* insultum fecerunt, & quendam *T. T.* (quem præd. *B. C.* & *I. H.* virtute Brevis dicti dom. Regis præd. vic. directi cepissent & attachiassent) ab eisdem *B. C.* & *I. H.* & extra eorum custod. ceperunt & rescusserunt, & etiam Breve præd. ab eisdem ballivis itinerant. abstulerunt. & adhuc detinēt, in malum exemplum totius populi Dom. Reg. ibid. prope commorantis, ac contra pac. &c. Judgement, ^{supra}

37. *An Indictment of menace and affray to tenants at will, whereby they departed from their holdings.*

IUr. pro Dom. Rege &c. present. quod *I. C.* de &c. die &c. anno &c. vi & armis &c. tenentes cujusdam *W.* viz. *I. D.* & *E. F.* qui tunc tenuerunt de præfato *W.* unum mesuagium & sex acras terræ in villa de Lib. Int. 61
192.7.

Judgement,
Fyne and
Imprisonment,

de T. in Com. præd. ad voluntatem ipsius W. reddend. inde annuatim ad Festa Sancti Michaelis Archangeli & Annunciationis beatæ Mariæ virginis viginti solid. per æquales portiones & N. R. qui tunc tenuit de præfato W. unum mesuag. & 6. acras terr. in præd. villa de T. ad volunt. ipsius W. reddendo inde annuatim ad præd. Festa triginta solidos per æquales portiones, tales & tantas minas de vitis suis & mutilatione membrorum suorum apud T. præd. imposuit, & ipsos tantis injurijs & gravaminibus (viz. insultibus & affraijs) ad tunc & ibidem affecit quod iidem tenentes à tenura ipsius W. totaliter ibidem recesser. sicque idem W. redditus & servitia tenentium suorum prædict. per magnum tempus, viz. à præd. die &c. per dimidium unius anni tunc proximè sequentis totaliter amisit, & alia enormia &c. contra pac. &c.

Lib. Instr. fol.
393. 9.

38. *Another Indict. for menacing the Kings tenants, whereby they departed from their holdings.*

Indigement, *supra.*

Iur. &c. quod H. W. de &c. die &c. anno &c. vi & armis &c. tenentes ipsius Domini Regis, viz. I. I. I. A. I. C. & I. B. qui quidem I. I. ad tunc tenuit de eod. Dom. Rege unum mesuag. & 40. acras terr. cum pertinentijs in S. in Com. præd. ad volunt. ejusdem Dom. Regis per fidelitatem & redditum quadraginta solidor. singulis annis ad Festa Pasc. & S. Mich. Archangeli per æquales portiones solvend. & similiter prædictus I. A. ad tunc tenuit de ipso Rege unum aliud mesuag. & 20. acras terr. in S. præd. ad volunt. ejusdem Dom. Regis per fidelitatem et redditum 20. s. singulis annis ad Festa Pasc. & S. Mich. Archang. per æquales portiones solvend. ac etiam prædict. I. C. ad tunc similiter tenuit de eod. Dom. Rege unum aliud mesuag. & 20. acras terræ in S. præd. ad volunt. ejusdem Dom. Regis per fidelitat. & redditum 20. solidor. singulis annis ad Festa Pasc. et Sancti Mich. Arch. per æquales portiones solvend. et ulterius idem I. B. ad tunc similiter tenuit de eod. Dom. Rege unum aliud mes. & 30. acras terr. in S. præd. ad volunt. ejusdem domini Regis per fidelitat. & redditum triginta solidor. singulis annis ad Festa Pasc. et S. Mich. Arch. per æquales portiones solvend. tales et tantas minas de vitis suis et mutilatione membrorum suorum apud S. præd. imposuit, et ipsos tantis injurijs et gravaminibus ibidem affecit, quod iidem tenentes ad mansiones suas accedere et negotia sua (viz. circa supervis. husbandr. ipsorum. et reparation. domorum suar.) prosequi ob metum mortis et mutilation. hujusmodi per magnum tempus (viz. per duos annos integros tunc proximè sequentes) palam incedere non audebant. Sicque negotia præd. per idem tempus infecta remanser. iidemque tenentes à tenura ipsius Domini Regis ibidem penitus recesserunt; sicque idem Dominus Rex redditus et servitia tenentium suorum præd. per tempus præd. perdidit et amisit, et alia enormia, &c. contra pac. &c.

39. *Ad*

39. *An Indictment of Trespasse de muliere abducta cum bonis viri.*

Lib. Intr. fol.
393. 1.

IUr. pro Dom. Rege &c. dicunt & præsentant, quòd *I. P.* de &c. die &c. anno &c. vi & armis &c. quandam *M.* uxorem cujusdam *A.* apud *S.* in Com. præd. rapuit & eam cum bonis & catallis ipsius *A.* viz. una toga &c. ad valentiam &c. cepit & abduxit, & ea ei adhuc injustè detinet, contra pacem dom. Regis nunc, coron. & dign. suas, & contra formam statut. in hujusmodi casu edit. & provis. Judgement, as
supra.

40. *An Indict. of Trespasse for cutting and breaking downe of pale.*

Lib. Intr. fol.
394. 1.

IUr. &c. quòd *A. B.* &c. die &c. anno &c. vi & armis &c. clausum cujusdam *R. W.* apud *W.* in Com. præd. fregit, & palum viz. quadraginta perticas pali in longitudine ibidem nuper erect. ad valentiam &c. prostravit & secuit, & herbam suam tunc ibidem crescent. cum averijs, viz. equis &c. depastus fuit, & alia enormia &c. contra pacem &c. Judgement, as
supra.

41. *An Indict. of Assault, batterie, and menace to another mans servant.*

Lib. Intr. fol.
392. 4.

IUr. pro Domino Rege &c. dicunt & præsentant quòd *R. A.* de *B.* in Com. *C. peoman*, die &c. anno &c. vi et armis, viz. &c. in *I. A.* servientem cujusdam *I. H.* apud *D.* in Com. præd. insultum fecit, & ipsum verberavit, vulneravit, & maletractavit, & eidem *I. A.* tales & tantas minas de vita sua & mutilatione membrorum suorum apud *D.* prædict. imposuit, & ipsum tantis injurijs & gravaminibus (viz. insultibus & affraijs) ad tunc & ibidem affecit, quòd idem *I. A.* circa negotia (viz. collectionem reddituum ac supervisionem hufbandrie ipsius *I. H.* & reparationem domorum suarum) ob metum mortis & mutilationis hujusmodi per magnum tempus, viz. à prædicto die &c. usque in hunc diem intendere non audebat: sicque negotia præd. per idem tempus infecta remanser. idemque *I. H.* servitium servientis sui prædicti per tempus prædict. amisit, & alia enormia &c. contra pac. &c. Judgement, as
supra.

42. *An Indictment for breaking a Close, depasturing of grasse, and menace of the Tenants.*

Lib. Intr. fol.
392. 5.

IUr. pro Dom. Rege &c. dicunt & præsentant, quòd *A. B.* & *C. D.* de &c. die &c. anno &c. vi & armis &c. clausum cujusdam *I. S.* apud *G.* in Com. prædicto fregerunt, & herbam suam ad valentiam &c. depasti fuerunt cum quibusdam averijs, viz. equis, bobus, & biden-

Judgement, *as*
supra.

bidentibus : et tenentibus suis, viz. B. et C. (quorum uterque tunc tenuit de ipso I.S. unum mesuagium cum pertinentijs in G. præd. per fidelitatem. &c.) tales et tantas minas de vitis suis & mutilatione membrorum suorum apud G. præd. imposuerunt, & ipsos tantis injurijs & gravaminibus, viz. insultibus & affraijs, tunc & ibidem affecer. quòd iidem tenentes à tenura prædicti mesuagij cum pertinentijs penitus recesserunt : sicque idem I.S. servitia sua per magnum tempus, viz. à præd. die &c. usque &c. perdidit & amisit, & alia enormia &c. contrapacem &c.

Lib. Intr. fol.
391. 3.

43. *An Indictment for lying in waite, and menace done to an Attorney.*

I Ur. pro Dom. Rege &c. præsent. quòd H. M. de B. in Com. C. armig. die &c. anno &c. vi et armis, viz. gladijs &c. aggregatis sibi quampluribus malefactoribus & pacis Domini Regis perturbatoribus ignotis ad numerum viginti personarum, ad quendam W. F. interficiendum, apud H. in Com. præd. & ab eod. die usque quintum diem Julij extunc proximè sequen. per diversas vices insidiatus fuit, & eidem W. tales & tantas minas de vita sua & mutilatione membrorum suor. ibidem imposuit, & ipsum tantis injurijs & gravaminibus (viz. insult. & affraijs) ibidem affecit, ac ipsum cum verbis minatorijs ibidem adeo terruit, quòd idem W. circa negotia sua, viz. ad loquendum cum I. D. et alijs probis hominibus quorum Attornatus idem W. tunc fuit in Curia Domini Regis coram ipso Rege & coram Iusticiarijs ipsius Regis de Banco in diversis loquelis ad informationem materiarum dictas loquelas tangent. ab eis habend. et expeditionem, quam in eisdem loquelis fecit, eis ostendend. necnon vada et feoda sua ac denarios quos pro eis in prosecutione loquelarum prædict. deposuit colligend. necnon ad supervidend. terras & tenementa sua, ac exitus & proficua inde provenien. capiend. & recipiend. ac ad providend. pro domicilio suo ibid. fovendo aut aliud proficuum suum ibid. faciend. ob metum mortis et mutilationis hujusmodi ac talium verborum minatorio- rum per magnum tempus, viz. per totum tempus prædict. (absque tanto & tali posse quod in gradu suo attingere non potuit, nec in misis & custagijs sustinere) nec equitare nec incedere audebat : sic quòd negotia sua præd. per idem tempus infecta remanser. idemq; W. diversis laboribus et expensis occasione præmiss. multipliciter fatigatus exitit et depressus, et alia enormia ei intulit, contra pacem, &c.

Judgement, *as*
supra.

Lib. Intr. fol.
451. 2.

44. *An Indictment of Maiheme.*

I Vratores pro Dom. Rege &c. dicunt et præsentant, quòd cum I. A. fuit in pace Domini regis nunc apud O. in Com. prædict. die &c. Anno

Anno &c. circa horam sextam post meridiem ejusdem diei, ibi venit quidam *R.L.* de *F.* in *Com. præd. peoman*, felonice, ut felo domini regis insidiando, & insultum præmeditatum contra pacem dicti domini regis nunc, coronam & dignitatem suas, die &c. Anno &c. hora et villa &c. et *Com. prædicto*; in et super præd. *I.A.* fecit, & tunc & ibid. cum quadam sagitta prædictum *I.* in genu suo sinistro sagittavit et percussit, per quod venæ & nervi ejusdem genu restricti sunt & mortificati, & idem *I.* vim & auxilium ejusdem genu totaliter amisit. Et sic prædictus *R.L.* die, anno, & loco prædictis, ipsum *I.A.* felonice maihemavit, contra pacem domini regis nunc, coronam et dignitat. suas &c.

Judgement,
a great fine, &c.
imprisonment

45. *An Indictment for an Affray made at the time that the Assizes and Gaolè deliverie were holden before the Iustices of the Assise.*

Inquir. pro Dom. Rege si *C.P. & W.C. &c.* vi & armis, viz. gladijs, scutis, & pugionibus apud *C. præd.* arraiati & illicitè congregati, tempore Assisarum dicti dom. Reg. ad tunc apud *C. præd.* tentarum (*R.W. & R.H.* earundem Assisar. Iustic. ac Iust. dict. dom. Reg. ad gaolam de *I.* in eod. *Com.* de prisionarijs in eadem existentibus deliberand. assignat. circa deliberationem ejusdem Gaolæ tunc apud *C. præd.* existentibus) insult. & affraiam invicem fecerunt, ad magn. perturbation. Curie dicti Dom. reg. ac Iustic. suor. præd. tunc et ibidem existent. ac in terror. et perturbation. divers. subditor. ejusdem dom. Reg. tunc et ibidem existent. & in malum et perniciosum exemplum omnium ligeorum dicti dom. Reg. ac contra pacem dicti dom. Reg. coron. & dignitat. suas. &c.

Judgement,
A great
Fine and
imprisonment,
and bonds
of the good
behaviour.

46. *For an Affray and beating of one at the time of the Assises and Gaole deliverie holden before the Iustices of the Assise.*

Inquir. &c. si *F.F. &c.* i. die &c. vi & armis &c. (Iustic. dict. dom. Reg. ad Assisas in *Com. præd.* capiend. nec non ad gaolam ejusdem *Cō.* apud *W.* in eod. *Cō.* deliberand. assign. ad tunc & ibidem judicialiter sedent. & existent.) in quendam *W.C.* in pace Dei & dicti dom. Reg. apud *W.* præd. existent. ex malitia sua præcogitata insult. fecit, & ipsum *W.* cum quodam gladio, quem idem *F.* in manu sua dextra ad tunc & ibid. habuit & tenuit, percussit super caput suum, dans eidem *W.C.* diversas plagas, per quas ipsum *W.* in magno periculo vitæ suæ posuit, ita quod de vita sua desperabatur: in magnum justitiæ & legum hujus Regni Hiberniæ contempt. & perniciosum exemplum aliorum, ac contra pacem dicti dom. Reg. coron. & dignit. suas, &c.

Judgement, as
supra.

47. Or thus.

Judgement, as
supra.

Inquir. pro Dom. Rege si O. P. &c. die &c. anno &c. apud T. præd. in Com. E. præd. tempore Assisarum & generalis gaolæ deliberation. adtunc & ibidem tent. & sedent. adtunc & ibid. Iustic. dicti dom. Reg. ad Assis. capiend. necnon ad gaolam dicti dom. Reg. Castri de T. præd. in Com. præd. deliberand. assignat. vi & armis & ex malitia sua præcogitata, in & super quendam I. C. nuper de S. in Com. D. **peoman**, in pace Dei & dicti dom. Reg. adtunc & ibidem existent. insultum et affraiam fecit, & ipsum verberavit, vulneravit, & maletractavit, & præf. O. adtunc & ibidem cum quodam gladio valoris 3. solid. & quatuor denarior. (quem idem O. in manu sua dextra adtunc et ibidem habuit et tenuit) præd. **Iohannem C.** adtunc & ibid. percussit et pupugit, dans eidem I. C. adtunc et ibidem quoddam vulnus sive quandam plagam in latitudine unius pollicis, et profunditate quatuor pollicium, ita quod idem I. C. de vita sua maxime periclitabatur; in magnam perturbationem tam præd. Iustic. dicti dom. Reg. adtunc et ibid. in Curia præd. sedend. quam totius populi, & ligeorum subdit. dicti dom. Reg. de præd. Com. S. adtunc & ibidem confluent. & attendent. ac in magn. contempt. dicti Dom. Reg. ac in iustitiæ ibid. exequendæ & administrandæ retardation. manifest. ac contra pac. dicti dom. Reg. coron. & dignitat. suas &c.

48. An Indictment against many for beating and imprisoning of the Sheriffes bailiffe, comming with the Sheriffes Replevy to execute it, wherein the Replevy is recited.

Iuratores pro dom. Rege &c. præsentant quòd cum N. W. miles vicecomes Comitatus E. per warr. suum de Replegiare sigillo suo sigillatū, cujus dat. est die &c. anno &c. mandavit cuidam A. B. ballivo suo Comit. E. præd. quod Replegiaret seu Replegiari faceret cuidam T. H. averia sua (viz. sex boves) quæ W. S. nuper de S. in Comitatu præd. gener. & P. B. nuper de eisd. vill. & Comitatu **Clothier**, cepissent, & injustè detinebant contra vad. & pleg. ut præfatus **Tho.** dicebat, Et quod poneret ipsos W. & P. per vad. & salvos pleg. ita quod essent ad proximum Comit. ipsius vicecomitis apud I. in Comit. præd. tenend. ad respondend. præfato T. H. de placito prædict. virtute cujus warranti præd. A. die & anno supradict. apud S. præd. requisivit præfat. W. S. quod permetteret sibi averia prædicta ad deliberandum eidem T. H. secundum vim, formā & effectum warranti præd. præd. tamen W. ac quidam H. G. nuper de S. in Com. prædicto **Husbandman**, cum multis alijs ignotis ad numerum octo personarum, dicto die, &c. anno supradicto, apud S. prædict. warrant. prædict.

prædict. minimè ponderantes, vi & armis, viz. gladijs & baculis in præf. A. insultum fecerunt; verberaver. vulneraver. & maletractaver. ac ipsum A. adtunc & ibidem imprisonaver. & detinuerunt per spatium quatuor dierum & quatuor noctium extunc prox. sequent. & adtunc & ibid. debitam executionem warr. prædicti contradixerunt, impediverunt, & disturbaverunt; ad grave damnum ipsius C. ac contra pacem dicti dom. Reg. coron. &c.

Judgement,
Fyne and
imprisonment,
and bonds
of the good
behaviour.

49. *An Indictment for lying in waite to kill one, and for assaulting, beating, and wounding of him, and for entring into and breaking of his Close.*

INquir. pro Dom. Rege si R. C. de B. in Com. N. **Labourer**, 8. die &c. anno &c. apud B. præd. jacuit insidijs ad interficiend. W. S. de T. in Com. præd. **Husbandman**, & in ipsum adtunc insultum fecit, verber. vulneravit, & maletract. ita quod de vita ejus desperabatur, Ac etiam si præd. R. & I. uxor ejus 30. die Octobr. anno supra dict. clausum ipsius W. apud B. præd. freger. & intraver. & herbam suam ad valent. &c. ibid. crescen. cum quibusdam averijs depasti fuer. conculcaver. & consumpser. contra pacem &c.

Judgement,
Fine and im-
prisonment.

50. *An Indictment against the husband and his wife for lying in waite, and for the assaulting, beating, and wounding of one.*

INquiratur pro Dom. Rege si M. B. nuper de T. in Comit. C. **peo- man & K. W.** uxor ejus &c. 17. die &c. anno &c. apud T. juxta T. in Com. præd. in quodam loco voc. **le hall yard**, jacuerunt in insidijs & adtunc & ibid. infidiati fuerunt quendam R. H. & in ipsum R. tunc & ibid. vi & armis &c. insultum fecerunt, verberaverunt, vulneraver. & maletractaver. ita quod idem R. languidus existit, ac de vita sua desperatur, contra pacem &c.

Judgement,
Fyne, and im-
prisonment.

51. *An Indictment of Mayheme.*

IUr. pro Domino Rege &c. præsentant, quod die &c. Anno &c. A. B. de C. in Com. D. **Taylor**, vi & armis, quoddam clausum cujusdam I. S. apud C. præd. in Com. præd. fregit & intravit, & in dictum I. S. tunc & ibid. in pace Dei & dicti Domini Regis existen. insultum et affraiam fecit, & cum gladio districto ad valentiam decem solidor. (quem dictus A. B. tunc & ibid. in manu sua dextra tenuit) eundem I. S. crudeliter verberavit, ac dextrum pollicem dicti I. S. tunc & ibidem uno ictu amputavit, Ac sic eundem I. S. nequiter & felonice tunc & ibidem mahemavit, ad grave damnum ipsius I. S. ac contra pacem dicti Domini Regis, coron. & dignit. suas.

Judgement,
a great fine, &
imprisonment.

52. *An Indictment for assaulting and beating of one in the high way with intent to have killed or robbed him.*

Judgement,
Fyne, and im-
prisonment.

Iurator. pro Domino Rege super sacramentum suum dicunt & præsentant, quòd *H. B.* nuper de *C. in Com. E. peoman*, die &c. anno &c. circa horam sextam post meridiem ejusdem diei, apud *O. in Com. præd.* in communi via regia in quodam loco ibidem vocato *C. in quendam T. L.* adtunc & ibidem in pace Dei & dicti domini Regis existen. insultum fecit, et cum quodam gladio pretij *s. s.* (quem ipse in manu sua dextra adtunc & ibidem habuit) ipsum *T. L.* adtunc & ibidem graviter verberavit, vulneravit, & maletractavit, ita quòd de vita sua desperabatur, ea intentione, ad interficiendum vel saltem ad spoliand. prædictum *T. L.* de bonis & pecunijs suis, Et alia enormia ei adtunc & ibidem intulit, ad grave damnum dicti *T. L.* ac contra pac. &c.

53. *An Indict. against malefactors in a Parke upon the statute of Westm. the first, cap. 20.*

Lib. Intr. fol.
585.

Judgement,
three yeares
imprisonment,
Ransome and
security not to
offend afters
wards, and for
want of such
security to ab-
jure the
Realme.

Iur. pro Dom. Rege &c. dicunt & præsentant, quòd cum in statuto Westmonasterij primo de Malefactoribus in parcis & vivarijs provisum existat, quòd si aliquis inde ad sectam querentis convincatur, considerenter bonæ & altæ emendæ secundum modum transgressionis, & habeat Malefactor hujusmodi prisonam trium annorum, & præterea redimatur ad voluntatem Domini Regis (si habeat unde redimi posset) & nihilominus inveniet bonam securitatem quòd amplius non malefaciat, et si post imprisonamentum trium annor. non habeat unde redimi posset, inveniet eandem securitatem, & si securitat. hujusmodi invenire nequeat, regnum abjuret, (prout in eodem statuto plenius continetur) Quidam tamen *R. B.* de *C. in Com. D. prædict. peoman*, & *R. T.* de *C. præd. peoman*, poenam statuti præd. minimè verentes, parcum *E. S.* apud *H. in Com. prædicto*, die &c. anno &c. vi et armis, viz. gladijs, arcubus, & sagittis fregerunt, & in eodem parco sine licentia & voluntate ejusdem *E. S.* fugaver. & feras, viz. duos damas masculos tunc & ibidem ceperunt & asportaver. & alia enormia ei intuler. ad grave damnum ipsius *E. S.* et contra formam stat. prædicti, ac contra pac. &c.

54. *An Indictment upon the same statute for hunting in the Kings Forrests and Parks.*

Lib. Intr. fol.
586.

Iur. pro Domino Rege &c. dicunt & præsentant, quòd cum in statuto in Parlamento Westmonasterij primo de Malefactoribus in parcis & vivarijs provisum existat, quòd si quis inde ad sectam querentis

rentis convincatur, considerentur bonæ & altæ emendæ secundum quantitatem delicti, et habeat malefactor hujusmodi prisonam trium annor. & redemption. Domino Regi faciet (si habeat unde redimi posset) & nihilominus inveniet bonam securitatem quod amplius non malefaciet, et si post imprisonamentum trium annor. non habet unde redimi posset, inveniet eandem securitatem, et si securitat. hujusmodi invenire nequeat, regnum abjuret (prout in eod. stat. plenius continetur) Quidam tamen *I. G. de D. in Com. præd. & I. L. de H. in Com. præd. peomen*, poenam statuti prædicti non verentes die &c. anno &c. vi & armis, viz. gladijs, arcubus, & sagittis forestam Domini Regis de *W. in Com. præd.* intraver. necnon parcum ipsius Domini Regis apud *W. præd.* freger. & in eis sine licentia ejusdem Domini Regis fugaver. & feras, viz. tres damas masculos tunc & ibidem ceperunt & asportaver. contra formam statut. prædicti, & contra pac. &c. Judgement, as
supra

55. *An Indictment for chasing a Buck in the Kings Forrest with a Greyhound, &c. without reciting the statute, de malefactoribus, &c.*

I Ur. pro Domino Rege &c. dicunt & præsent. quòd *R. M. de O. in Com. D. peoman*, & *R. P. nuper de N. in Com. præd. peoman*, die &c. anno &c. vi & armis, viz. gladijs, baculis, & sagittis, Forestam dicti Domini Regis de *M. in Com. D. præd.* freger. & intraver. & unum damam masculum vocat. **a Buck**, ad valentiam decem solidor. ad tunc & ibid. invent. sine licentia & voluntate dicti Dom. Regis cum cane leporario (vocato **a Greyhound**) fugaver. & chafiaver. & dict. damam apud *R. infra præcinctum forestæ præd.* cum funibus (Anglicè vocat. **Halters**,) die & anno præd. suspender. & occider. & ipsum damam sic suspensum & occisum injustè ceper. & asport. contra pac. dicti Dom. Regis &c. ac contra form. statut. in hujusmodi casu edit. & provis. Judgement, as
supra

56. *An Indict. for hunting Conyes.*

I Ur. pro Dom. Rege &c. præsent. quòd *A. B. de C. in Com. D. Labourer*, homo laicus existens, a Festo Sancti Bartholomei Apostoli anno Regni Domini Regis nunc 13°. continuè usque in hunc diem apud *C. prædict. in Com. præd.* habuit & custodivit unum canem Græcum (Anglicè vocat. **a Greyhound**) ad venand. & chafiand. lepores & cuniculos. Et quòd idem *A. B. 27°. die Augusti*, Anno supradicto unum cuniculum valoris quatuor denar. in quodam clauso cujusdam *I. S. de C. præd. in dicto Com. vocat. the Conygarth*, infra parochiam de *C. præd. in dicto Com. existen.* cum dicto cane venatus est & occidit: ubi idem *A. B.* nunquam habuit terras aut tene.

Judgement, a
years impri-
sonment by
13.R.2.cap.13.

tenementa ad clarum annum valor. quadraginta solidor. in die
Domini Regis contempt. & contra formam stat. in hujusmodi casu
edit. & provis. ac contra pacem &c.

57. *An Indictment for keeping Hounds and hunting, by such as
have not land to the value of 40.s.*

Judgement, ut
supra.
13.R.2.cap.13.

IUr. &c. dicunt et præsentant, quòd *I.W. & T.P.* de *D.* in Com.
D. reomen, non habentes terras neque tenementa ad valorem
quadraginta solidor. per ann. ultra reprisas, tenent, habent & cu-
stodiunt canes venaticos & leporarios, & eisdem usi sunt venari in
diversis partibus juxta *C.* viz. apud *D.* & alibi infra Baroniam de *C.*
in Com. præd. & die &c. anno &c. apud *D.* præd. venati sunt, ac le-
pores & alia animalia veneris tunc & ibidem ceper. & occider. con-
tra pac. &c. & contra formam stat. in hujusmodi casu edit. & provis.

58. *An Indictment for stealing of Conyes with Nets,
Dogs, and Ferrets.*

Judgement, ut
supra.
13.R.2.cap.13.

IUr. &c. dicunt & præsent. quòd *A.B.* de *C.* in Com. *D. Labourer*,
die &c. anno &c. vi & armis clausum cujusdam *I.S.* apud *M.* circa
horam octavam in nocte freger. & intraver. & 20. cuniculos cum
retibus, canibus, & venarijs (vocat. **Ferrets**) ad tunc & ibid. invent.
ceper. occider. & asport. contra formam statut. in hujusmodi casu
edit. & provis. & contra pacem &c.

Lib. Intr. fol.
385.

59. *An Indictment of Trespasse for hunting in a Warren.*

Judgement,
Fine and im-
prisonment.

IUr. pro Domino Rege &c. dicunt quòd *W.T.* nuper de *B.* in Com.
D. die &c. anno &c. vi et armis, viz. gladijs &c. liberam War-
rennam cujusdam *I.A.* Armigeri apud *T.* in Com. præd. intravit, & in
ea sine licentia & voluntate sua fugavit, & viginti lepores, quadragin-
ta cuniculos, decem phasianos, & quadraginta perdices cepit & as-
portavit; contra pacem dom. Regis nunc &c.

60. *An Indictment for taking Conyes in a free Warren
in the night time.*

Judgement, ut
supra.

IUr. pro Dom. Rege &c. dicunt & præsent. quòd *A.B.* de *C.* in Com.
D. Labourer, vi & armis, viz. baculis, falcastris, arcubus & sagit-
tis, & alijs armis defensivis liberam warrennam cujusdam *I.S.* apud
A. in Com. præd. circa horam decimam in nocte ejusdem diei fre-
git & intravit, & in ead. libera warrenna leporarijs, lyciscis, & retibus
vocat. **Burle-nets**, sine licentia dicti *I.S.* venatus fuit, & quadra-
ginta cuniculos ipsius *I.S.* ad tunc & ibidem invent. cepit & asporta-
vit: contra pacem &c.

61. *An Indictment for killing a Buck in a Parke.*

Iurator. pro Dom. rege &c. dicunt & præsentant, quod *A.B.* de *C.* in Com. D. *peoman*, & *E.F.* de *G.* in eodem Com. *peoman*, die &c. anno &c. apud *G.* in Com. prædicto, vi & armis, viz. gladijs &c. clausum & parcum cuiusdam *I.S.* armigeri apud *H.* in Com. præd. injustè fregerunt & intraverunt & damas ipsius *I.S.* adtunc & ibidem in parco præd. cubantes et depascentes, cum tribus canibus leporarijs (vocat. *Greyhounds*) & uno Reti (vocato *a Buckstall*) quod in parco præd. tetenderunt, injustè venati sunt & chassaverunt, & unum damam vocat. *a Buck*, adtunc & ibid. cum canibus præd. injustè ceperunt, occiderunt, & asportaverunt; contra pacem dicti Domini Regis nunc, &c. ac contra formam statut. in huiusmodi casu edit. & provis.

Judgement,
three yeares
imprisonment,
Ransome and
security not to
offend alters
wards, and for
want of such
security to ab-
jure the
Realme.

62. *An Indict. against one for fishing in another mans severall Piscarie.*

Iur. &c. dicunt & præsentant quod *A.B.* de *C.* in Com. D. *peoman*, die &c. anno &c. vi & armis, viz. gladijs &c. clausum & haias cuiusdam *W.G.* apud *A.* in Com. prædicto fregit, & in separali piscaria sua ibidem piscatus fuit, & pise' inde viz. duos salmones & ducentas trutas & ducentas chevenas ad valentiam &c. adtunc & ibidem cepit et asportavit, et herbam suam ad valentiam &c. ibidem nuper crescen. conculcavit et consumpsit, et alia enormia ei intulit, contra pac. domini Regis nunc, &c.

Judgement,
Fine and im-
prisonment.

63. *An Indictment of false Imprisonment.*

Iur. &c. dicunt et præsent. quod *A.B.* de *C.* in Com. D. gen. die &c. anno &c. (simul cum alijs malefactoribus et pacis Domini Regis perturbatoribus ignotis) vi et armis viz. gladijs &c. in quendam *E.F.* apud *D.* in Com. præd. adtunc et ibid. in pace Dei et dicti domini Regis existen. insult. fecit, et ipsum *E.F.* de vexatione, perturbatione, et imprisonamento adtunc et ibidem minatus fuit, et tales et tantas insidias, insultus, et minas de vexatione, perturbatione, et imprisonamento idem *A.B.* in præfatum *E.F.* adtunc et ibidem intulit et imposuit, sic quod dictus *E.F.* circa negotia et proficua sua ibidem agenda, viz. debita sua colligend. victualia sua emend. et artem suam de sciffore exercend. ob metum vexationis, perturbationis, et imprisonamenti huiusmodi per magnum tempus, scil. à die &c. usque diem &c. palam incedere aut intendere non audebat; sicque negotia et proficua sua prædicta per dictum tempus totaliter infecta remanser. ac ipsum *E.F.* die &c. anno &c. apud *D.* &c. cepit et imprisonavit, et ipsum *E.F.* à dicto die &c. usque diem &c. apud *D.* præd. in prisona injustè detinuit: contra pacē dicti dom. regis nunc &c.

Lib. Intr. fol.
339.

Judgement,
Fine and im-
prisonment.

64. An

64. *An Indictment of Assault, Batterie, and false Imprisonment.*Lib. Intr. fol.
332Judgement, as
supra.

Iur. &c. dicunt & præsent. quòd A.B. de C. in Com. D. arm. die &c. anno &c. vi & armis viz. &c. in quendam G.H. apud C. præd. insult. fecit, & ipsum verberavit, vulneravit, imprisonavit, & male tractavit, & ipsum G.H. sic imprisonat. ab inde usque E. in Com. præd. duxit, & ibidem die & anno prædict. imprisonavit. Et sic in prisiona contra legem & consuetudinem hujus regni Hiberniæ viz. per unum mensem tunc proximè sequent. detinuit, & alia enormia ei intulit, contra pac. &c.

65. *An Indictment of Trespasse against a Miller for taking excessive Toll.*Lib. Intr. fol.
695.30Judgement,
Fine and im-
prisonment.

Iur. &c. quòd A.B. de C. in Com. præd. **Miller**, die Lunæ & Martis proxim. post festum S. Michael. Arch. anno &c. & sic continuando per duos annos tunc proximè sequentes per diversas vices, viz. quibuscumque diebus Lunæ & Martis septimanatim quolibet, viz. die eorund. diernm Lunæ & Martis, vi et armis &c. bona & catalla cujusdam C. viz. frumentum ad molendinum missum viz. medietatem unius modij frumenti ultra tolnetum pro multura inde debitum & consuetum (quæ quantitates frumenti per idem tempus modo et forma præd. capr. in toto attingebant ad quatuordecem quarterias frumenti & ultra, ad valentiam &c.) apud S. in Com. præd. invent. cepit & asportavit, & alia enormia &c. contra pacem &c.

66. *An Indictment for breaking a Close, cutting and carrying away of Corne.*Judgement,
Fyne, and im-
prisonment.

Iur. pro Domino Rege &c. dicunt et præsentant, quòd R.B. de C. in Com. D. **peoman**, die &c. anno &c. vi & armis, viz. gladijs, &c. clausum cujusdam R. R. apud B. in Comitatu prædicto fregit, & blada sua viz. decem carrectas. hordei ad valentiam &c. ad tunc & ibid. messuit & asportavit, & alia enormia ei intulit, contra pacē &c.

67. *An Indictment for taking and carrying away Corne in Sheaves.*Judgement, as
supra.

Iurator. pro Domino Rege &c. dicunt & præsentant, quòd W. G. de H. in Com. D. **peoman**, & I. B. de H. prædict. in Comit. prædict. **peoman**, die &c. Anno &c. vi et armis, viz. gladijs &c. bona et catalla cujusdam I.H. scil. duas carrectatas frumenti in garbis, duas carrectatas hordei in garbis, et duas carrectatas siliginis in garbis ad valent. &c. apud I. in Com. præd. invent. ceperunt & asportaverunt, contra pacem &c.

68. *An*

68. *An Indictment for the wrongfull taking an Estray.*

IVratōres pro Dom. Rege &c. dicunt & præsētant, quòd cum *A.B.* ratione Hundredi sui de *R.* habeat & habere debeat ipseque & omnes antecessores sui domini Hundredi prædicti à tempore quo non extat memoria semper hæcenus habere consueverunt omnia animalia quæ dicuntur **Stray**, infra præcinctum Hundredi illius, Quidam tamen *R. S.* de *B.* in Com. *C. yeoman*, die &c. anno &c. sex equos pretij &c. apud *T.* in Com. præd. infra præcinctum hundredi prædicti, et ad ipsum *A.* tanquam **Stray**, per-^{Judgement, no} ^{supra.} tinentes, vi et armis, videlicet gladijs &c. cepit & abduxit, contra pacem &c.

69. *An Indictment for breaking of a house and Close, and depasturing with Catle.*

IVrat. pro Dom. rege &c. dicunt & præsētant, quòd *I. A.* de *B.* in Comitatu *C. yeoman*, (simul cum *R. B.* & *I. L.*) die &c. anno &c. vi et armis, viz. gladijs &c. clausum & domum cujusdam *I. H.* apud *W.* in Com. præd. fregit, & herbam suam ad valentiam quadraginta solidor. ibidem nuper crescentem cum quibusdam averijs, viz. equis, bobus, vaccis, & bidentibus depastus fuit, concul-^{Judgement, no} ^{supra.} cavit, & consumpsit: & alia enormia ei intulit, contra pacem &c.

70. *An Indictment of Trespasse for breaking of a house and taking away goods.*

IVrat. pro Dom. Rege &c. dicunt & præsētant, quòd *K. F.* de *G.* in Com. *D. yeoman*, et *W. W.* de *G.* præd. in Com. præd. *yeoman*, die &c. anno &c. vi & armis, viz. gladijs &c. domum cujusdam *R. I.* apud *C.* in Com. præd. fregerunt, et bona et catalla sua, viz. 24. foot sparres, et 3000. **Tyles**, ad valentiam &c. adtunc & ibidem invent. ceperunt & asportaver. ac alia enormia ei intule-^{Judgement, no} ^{supra.} runt, contra pacem &c.

71. *An Indictment for breaking a Close, cutting of Trees, and depasturing of grasse.*

Iuratores pro Domino Rege &c. dicunt & præsētant, quòd *I. S.* de *D.* in Comit. *C. yeoman*, die &c. anno &c. vi et armis, viz. gladijs, &c. clausum cujusdam *R. B.* apud *H.* in Com. prædict. fregit, & arbores suas, viz. decem quercus et quatuor fraxinos ad valentiam &c. adtunc & ibidem nuper crescentes succi-
C c c c dit

Judgement, *supra.*

dit & asportavit, & herbam suam ad valentiam &c. ibidem nuper crescentem cum quibusdam averijs, viz. equis, bobus, vaccis, & bidentibus adtunc depastus fuit, conculcavit, & consumpsit, continuam transgressionem prædict. quoad depastat. conculcationem, et consumptionem herbæ præd. à præd. die &c. usque hunc diem: & alia enormia ei intulit, contra pacem &c.

72. An Indictment of divers Trespases and other misdemeanours committed at divers times and divers yeares.

I Vrator. pro Domino Rege &c. dicunt & præsentant, quòd M.G. de D. in Comitatu S. **peoman**, die Lunæ proxim. ante festum Sancti Iohannis Baptistæ, & continuè quolibet die per unam septimanam tunc proxim. sequentem, quolibet die Lunæ proximo post festum Sancti Michaelis Archangeli et continuè quolibet die per unam septimanam tunc proximè sequent. & quolibet die Lunæ proximo post festum Ascensionis domini & continuè quolibet die per unam septimanam tunc proximè sequentem, Annis regni Regis domini nunc, quinto, sexto, septimo, octavo, nono, decimo, et undecimo, vi et armis, viz. gladijs &c. clausum & domos cujusdam **T.B.** apud **L.** in Com. præd. fregit, & ipsam **T.B.** & homines et servientes suos viz. **I.W.** **R.W.** & **T.H.** clericos cum eodem **T.B.** rotulos et brevia in officio ipsius **T. B.** protonotarij in comuni Banco conficientes & scribentes tantis injurijs & gravaminibus, viz. Clamoribus magnis (minus justè, & indebitè imponend. eid. **T. B.** quòd **R. W.** cujus testamenti idem **T. B.** executor fuit eidem **M.** debuisset viginti libras, & quòd idem **T. B.** ad excitationem servientum suor. prædict. illas eidem **M.** falsissimè detinisset, Et quòd ubi præd. **T.B.** eidem **M.** solvisset una vice 40.s. & alia vice 5. marcas, idem **T.** homines & servientes sui prædicti ex eorum falsa cōspiratione quoddam scriptum cōfecissent per quod idem **M.** remisit, relaxavit, & omnino pro se & hæredibus suis quietè clamavit cuidam **R. C.** & eidem **T.B.** omnimodas actiones personales, quas versus eos habuit seu habere potuit, à principio mundi usque in diem confectiois ejusdem scripti, et scriptum illud scriptum acquietantiæ de prædictis 5. marcis tantum fuisse dixissent, & ipse **M.** prædictum scriptum relaxationis verbis & assertionibus sigillare fecissent: & similiter mendaciter asserendo quòd prædictus **R. W.** jam defunctus per chartam suam dedisset eidem **M.** quoddam tenementum in **C.** & prædictus **P.** homines & servientes sui præd. chartam illam fregissent, & illam eidem **M.** subtraxissent: & quòd idem **T.** sigilla quæ fuerunt prædicti **R.**
habens

habens, talia scripta & munimenta qualia voluit per consilium & assensum hominum & servientum suorum prædictorum de novo de tenementis illis fabricasset, et tenementa illa falsissime vendidisset: & ipsum T. & servientes suos præd. genulando et manus suas in altum levando pro posse & mala voluntate suis violenter anathematizavit, ipsos magna vociferatione homines reprobos & scurras falsissimos appellando) affecit, per quod idem T. homines et servientes sui prædicti circa negotia aut alia proficua ipsius T. viz. confection. & scriptur. Rotulorum faciend. per magnum tempus videlicet, per septem annos prædict. intendere non audebant: sicq; negotia et proficua præd. infecta remanserunt idemque T. servitium hominum & servient. suor. prædictor. per idem tempus amiserat, & alia enormia &c. contra pac. &c.

Judgement, as
supra.

73. *An Indictment for breaking of a Chest and taking out money.*

I Uratores pro Dom. Rege &c. præsent. quod T. S. de D. in Com. C. yeoman, die &c. anno &c. vi & armis, viz. gladijs, baculis, &c. quandam cistam cujusdam I. B. apud C. in Com. præd. fregit, & 40. l. de denarijs suis in pecunia numerata in eadem cista adtunc & ibidem existen. ceperunt & asportaverunt, contra pacem domini Regis nunc, coron. & dignit. suas.

Judgement, as
supra.

74. *An Indict. of Trespasse, for taking away a bagge of writings.*

I Urat. pro dom. Rege &c. præsentant quod T. S. nuper de L. in Comitatu D. gen. die &c. vi & armis, viz. gladijs, cultellis &c. quandam bagam cujusdam T. W. sigillatam cum chartis, scriptis & alijs munimentis in eadem бага contentis titulum ipsius T. W. de et in triginta acris terræ cum pertinentijs in T. O. et P. in Com. prædicto concernent apud N. invent. cepit & asportavit, contra pac. &c.

Judgement, as
supra.

75. *An Indict. of Trespasse for breaking a house, chasing of sheepe with dogs, and taking away of goods.*

I Urator. pro Dom. Rege &c. præsentant, quod T. H. de B. in Comitatu C. gen. die &c. anno &c. vi & armis, viz. gladijs, baculis, &c. clausum et domos cujusdam R. apud W. in Com. præd. fregit, & 2205. oves suas ibid. invent. cum quibusdam canibus fugavit, canes illos ad mordend. oves prædictas in tantum incitando quod per fugationem illam et morsus canum prædictorum 124. oves de ovibus prædictis

Judgement, as
supra.

pretij &c. interierunt, & centum oves, de ovibus præd. residuum, factus suos abortivos projecerunt, & oves residuæ multipliciter deterioratæ fuerunt. Et bona & catalla sua, viz. unam togam de **Rasset**, unam aliam togam de nigro **velbet**, unam diploidem de **Catony Da-**
Judgement, in **masse**, & sex annulos de auro ad valent. &c. ibidem invent. cepit & asportavit, contra pacem &c.
supra.

76. For the taking of unreasonable distresses contrary to the statute of Marlebridge, Anno 52. H. 3. cap. 4.

Iur. præsent. pro Dom. rege, &c. quòd cum in statuto in Parlamento tento apud **Marlebridge**, anno H. 3. nuper regis Angliæ 52. inter cætera ordinat. sit, quòd districtiones sint rationabiles, & non nimis graves, & qui distriction. fecerint irrationabiles & indebitas, graviter amercientur propter excessivam districtionem ipsorum, prout in statuto præd. plenius continetur; Quidam tamen **A. B. de &c.** statut. præd. & poenam in eod. contentam minimè ponderans 12. die Junij, Anno Regni &c. duas vaccas de bonis & catallis **W. F. &c.** apud **G. &c.** in eodem Com. N. pro quinque solid. in pecun. numeratis irrationabiliter & excessivè distrinxit, & pro districtione cepit; ubi tempore districtionis & captionis præd. quælibet vaccarum præd. erat veri valoris trium librarum current. monet. Angliæ, contra formam statuti præd. ac contra pacem &c.
Judgement, in
sanctum & in
prisonem.

77. For taking a distresse out of his Fee, and in the high way, contrary to the statute of Marlebridge, Anno 52. H. 3. cap. 15.

Iurat. præsent. pro Dom. rege &c. quòd cum in statuto in Parlamento tento apud **Marlebridge**, anno H. 3. nuper regis Angliæ 52. ordinatum sit, quòd nulli de cætero liceat ex quacunque causa districtiones facere extra feodum suum, nec in via regia, aut in comuni strato, nisi domino Regi aut ministris suis specialem auctoritatem ad hoc habentibus (prout in statuto prædicto plenius continetur,) Quidam tamen **P. B. & C. D. de &c.** statut. præd. & poenam in eodem contentam minimè ponderantes 2. die Junij anno &c. 2. vaccas de bonis & catallis **E. D. &c.** apud **F. &c.** extra feod. ipsorum sive ipsorum alicujus, in comuni strato voc. &c. ad runc et ibid. existent. distrinxer. & pro distriction. ceper. nec tempore distriction. præd. **A. B. & C. D.** fuer. ministri, nec aliquis eorum fuit minister dicti dom. Reg. nec habuerunt, nec aliquis eorum habuit specialem auctoritatem ad illud faciend. contra formam statuti præd. & contra pac. &c.
Judgement, in
supra.

78. For

78. *For beating of two horses, of which beating the one of them died presently, and the other was sore hurt.*

Inquirat. &c. si I.H. &c. decimo die &c. vi & armis, viz. &c. duos equos coloris albi, pretij &c. de bonis & catallis cujusdam I.F. apud M. in præd. Com.E. invent. quodam baculo percussit & verberavit, in tantum, quod unus equus equorum præd. ex percussione & verberatione ill. ibidem incontinentiter obiit, alterque equorum præd. multipliciter fatigat. læsus & deteriorat. existit; Et alia enormia eidem I.F. intulit, ad grave damnum ipsius I.F. et contra pacem dicti dom. Reg. &c.

Judgement,
Fine and imprisonment.

79. *For inclosing of an old Common lying in a Towne, upon the which Common the Inhabitants of the said Towne have used to have common for all manner of beasts the whole year.*

Iuratores &c. præsentant, quod est, & à tempore quo non extat memoria fuit & esse consuevit, apud villam de A. in Com.M. quædam antiqua Communia vocata M. eidem villæ adiacens, ac per spatium unius miliarij ab eadem villa extendens, pro omnibus hominibus & tenent. infra villam præd. moram trahentibus, cum bobus, afrijs, porcis, bidentibus & alijs averijs suis per totum annum infra Communiam præd. depascend. quodque omnes illi infra villam præd. moram trahentes, à tempore quo memoria hominum non existit, infra villam prædictam Communiam pro averijs suis prædictis ibidem habere debuerunt et consueverunt, quousque R.C. de D. in Com. præd. cum alijs ignotis de covina sua ei associatis, vi et armis, scil. gladijs, baculis, falcastris, arcubus et sagittis, die &c. anno &c. apud E. in parochia de A. præd. de Communia prædicta (injuriâ suâ propriâ, et absque titulo, clameo, seu possessione per ipsos habit.) 1000. acr. ibid. cum sepibus et fossatis sibi inclusit & obstupavit, & illas sic inclusas & obstupat. ut separate solum suum, à præd. die &c. usque &c. tenuit et occupavit, in præjudicium & damnum, nocumentum et impedimentum omnium hominum et tenentium prædictor. infra Communiam præd. Communiam habentium, necnon contra consuetudinem præd. & contra pacem dicti Dom. Reg. &c.

Judgement,
Fine and imprisonment,
and the inclosure to be abated.

80. *An Indictment against one for pulling downe of a stone bridge in a Towne, over which the Inhabitants of the same Towne have used to travel time out of mind.*

Iurator. &c. quod cum à tempore quo memoria hominum in contrarium non existit, fuit quidem pons lapideus in W. in Com.E. præd.

Judgement,
Fine and im-
prisonment.

præd. voc. A. per & trans quem quidem pontem omnes inhabi-
tantes villæ de W. præd. in Com. præd. per tempus prædict. habere
consueverunt ingressum & egressum ad quendam locum vocat. H.
pro negotijs eorund. faciendis, Tamen I. F. de &c. tali die &c. et an-
no &c. vi & armis &c. præf. pontem effodit, prostravit, & spoliavit,
& omnes lapides ejusdem pontis abinde asportavit & abcarriavit,
per quod inhabitantes ibidem ingressum & egressum ad præd. locum
pro præd. negotijs suis faciendis habere non possunt: Et alia enor-
mia per eum tunc & ibidem facta sunt, ad grave & commune nocu-
mentum præd. vicinor. ibid. & contra pacem &c.

31. *For taking away a Maide of the Age of eleven yeares, upon
the statute of An. 3. E. 1. in which the statute
is recited.*

Judgement,
Imprisonment
for two yeares,
and Ransome.

Iuratores &c. præsentant, quod cum in statuto in Parlamento
Dom. E. nuper Regis Angliæ primi, anno Regni sui tertio, tento,
edito, inter cætera ordinat. existit, quod nullus rapiat neque ca-
piat ancillam infra ætatem existentem per assensum suum vel sine
assensu suo, neque dictam ancillam, nec aliam foeminam contra vo-
lunt. suam; & si aliquis hoc facerit, ad sectam illius qui hoc se-
quitur infra quadraginta dies, Dominus Rex sibi faciet commu-
nem justitiam; & si nullus incipiat sectam in hac parte infra xl.
dies, dom. Rex sequetur, & illi qui inventi fuerint culpabiles ha-
beant prisonam duorum annorum, & postmodum redimantur ad vo-
luntat. dom. Reg. (prout in eodem stat. plenius continetur,) Quidam
I. B. nuper de A. &c. statutum præd. minimè ponderans &c. I. C. fili-
am H. C. ancillam & infra ætatem existentem, viz. ætatis 11. anno-
rum (quadr. diebus elapsis) apud W. tertio die S. anno &c. vi & ar-
mis, viz. gladijs, violenter cepit & rapuit, contra formam stat. præd.
ac contra pacem &c.

32. *For Trespasse in Corne, grasse, or plowing.*

Judgement,
Fyne, and im-
prisonment.

Inquir. pro Domino Rege, si A. B. de C. in Com. E. p^{re}oman.
20. die mensis A. Anno regni Domine nostræ Eliz. Dei gratia
Angliæ, Franciæ et Hiberniæ Reginæ, fidei defensor. &c. tricesimo
quarto, quoddam clausum cujusdam I. S. apud C. præd. in Com. E.
præd. vulgariter voc. **Cowleaze**, vi & armis fregit ac intravit, ac her-
bas & blada triticea ipsius I. S. tunc ibidem crescentia (ad valenti-
am 20. s.) cum quibusdam bobus & bidentibus ipsius A. B. tunc
ibidem depastus est ac consumpsit, necnon solum & fundum ipsius
I. S. tunc ibidem cum quodam aratro subvertit, per quod prædict.
I. S. omne commodum & proficuum dicti soli sui per longum tem-
pus postea amisit; Ac alia damna & enormia prædict. I. S. tunc et
ibidem intulit, ad grave damnum ipsius I. S. ac contra pacem dictæ
dom. nostræ Reginæ nunc, coron. & dignit. suas.

33. *For*

83. *For eating Corne with a flocke of sheepe.*

INquiratur &c. si *I.M.* de *M.* in *Com. E.* **Shepherd**, 20. die *M.* Anno Regni &c. apud *V.* in *Com. E.* præd. vi & armis, viz. baculis & cultellis clausum *I.S.* fregit, et blada ipsius *I.S.* viz. hordea & avenas in 30. acris terræ tunc ibidem crescent. cum grege ovium in custodia sua existente depastus fuit, conculcavit, & consumpsit; & alia enormia ei intulit, ad grave damnum ipsius *I.S.* ac contra pacē dicti &c. Iudgement,
Fine and im-
prisonment.

84. *For Trespasse in Fishgarths in the hands of divers Farmers,
and for the taking of three Salmons.*

IUrat. præsent. pro Domino Rege &c. quod *W.S.* de *B.* in *Com. L.* **yeoman**, *I.W.* de ead. villa in *Com. L.* præd. **yeoman**, & *I.W.* de *T.* in *Com. L.* præd. **yeoman**, 8. die Martij, Anno &c. circa horam quartam post meridiem ejusdem diei apud *S.* in *Com. L.* præd. vi et armis &c. in quandam piscar. (voc. **fishgarths**) tunc in tenuera & occupatione *R.F. C.L.* & *I.L.* firmar. ibid. dicti dom. Reg. intraver. & freger. & tres Salmones ad valent. 20. s. de bonis & catallis præd. *R.F. C.L.* & *I.L.* in pisc. præd. ceperunt & abinde asportaver. contra voluntatem præd. *R. F.* &c. ad grave damnum ipsor. *R.F.* &c. ac contra pacē dicti dom. Regis nunc &c. Iudgement, as
supra.

85. *An Indictment for fishing in a Mill-pond with hookes and
other Engines.*

INquir. pro Dom. Rege si *T.W.* de *M.* in *Com.* præd. **Labourer**, et *H.I.* de *W.* in *Com.* præd. **Taylor**, &c. 14. die Aprilis, Anno &c. ac diversis tempor. ante præd. diem & postea, apud *H.* præd. in *Com.* præd. vi & armis, viz. gladijs &c. in uno stagno ibid. voc. **Milnepoole**, tunc exist. liber. tenemēt. *R.D.* gen. cum hamis & alijs engin. piscaverunt, & divers. pisces, viz. viginti Trutas tunc & ibid. ceper. & asportaverunt, contra pac. &c. Iudgement, as
supra.

86. *An Indictment for Trespasse done in a Corne-field.*

IUrat. præsentant &c. quod *W.C.* nuper de *T.* in *Com.* præd. **Labourer**, *T.P.* &c. tertio die &c. anno &c. vi & armis, viz. gladijs, &c. clausum *I.N.* apud *S.* in *Com.* præd. in quodam loco voc. **S. Field**, freger. et intraver. & tres acras frumenti ipsius *I.W.* ad valentiam viginti librarum ad tunc & ibidem crescent. cum quibusdam averijs, viz. equis, bobus, & bidentibus depasti sunt ac pedibus suis ambulando conculcaver. & consumpser. & alia enormia ei intuler. contra pacem &c. Iudgement, as
supra.

87. *An Indictment for enclosing of 20. Acres of pasture out of a common field, in the which all the Inhabitants have time out of minde used to have common of pasture for all manner of Cattel.*

Judgement,
Fine and im-
prisonment,
and the inclo-
sure to be
abated.

Iuratores presentant &c. Quod Ed. C. nuper de L. in Com. præd. generosus G. C. nuper de L. &c. decimo die &c. Anno &c. necnon diversis diebus & vicibus tam antea quam postea, vi & armis &c. 20. acras pasturæ cum pertinentijs in L. prædict. in aperto communi campo ibid. in quibus omnes inhabitantes villæ prædictæ, à tempore cujus contrar. memoria hominum non existit, usi fuerunt & consueverunt habere communiam pasturæ pro omnibus animalibus suis omni tempore anni in perpetuum, cum sepibus & fossatis inclusæ. ac easd. vigint. acr. sic inclusas à præd. decimo die April. anno suprad. usque diem capr. hujus Inquisitionis custod. & adhuc custod. in malum & perniciosum exemplum alior. ligeor. dict. dom. Reg. & contra formam divers. stat. &c. ac contra pac. &c.

88. *An Indictment of Trespasse for breaking and entering into a Close.*

Judgement,
Fyne, and im-
prisonment.

Inquir. pro Domino Rege, si I. S. de N. 10. die Iunii, Anno &c. vi et armis, &c. clausum A. B. de H. apud F. in Com. præd. freg. & intravit, & herbam A. B. ad valentiam 10. s. ibid. nuper crescen. cum quibusdam averijs suis depast. fuit, conculcavit & consumpsit; Et alia enormia ei intulit, ad grave damnum ipsius R. G. & contra pacem domini Reg. coron. & dignit. suas.

89. *An Indictment of Trespasse for breaking and entering into a Close, and cutting downe Ashes in the said Close.*

Judgement, as
supra.

Inquir. pro dom. Reg. si A. B. de C. in Com. L. Clericus & W. D. de eadem villa & Com. Clericus 4. die Augusti, Anno &c. vi & armis, viz. gladijs &c. Clausum A. B. de M. in Com. præd. freger. & intraver. et viginti fraxinos ipsius A. B. tunc ibid. crescen. ad valentiam 40. s. succider. & asport. ad grave damnum &c. ac contra pacem &c.

90. *An Indictment for breaking of a Close, and driving away of Cattel out of the Close.*

Judgement, as
supra.

Iurator. presentant &c. quod T. & S. de &c. die & anno &c. vi & armis &c. clausum I. D. apud H. præd. freger. & intraverunt, et averia ipsius I. D. viz. viginti vaccas ad tunc & ibidem depascent. ceperunt & abinde fugaverunt, contra pac. &c.

91. An

91. *Another Indictment for Trespasse for breaking of a Close, and eating of the grasse with Cattel.*

INquiratur &c. si *A.B.* & *C.D.* de &c. die & anno &c. vi & armis, &c. clausum *E.F.* apud *VV.* prædict. in Com. prædicto fregerunt & intraver. & herbam suam adtunc & ibidem cum quibusdam ^{Judgement, ad} averijs suis, viz. equis, vaccis, & bobus depasti fuer. conculcaver. et ^{supra} consumpserunt, contra pacem &c.

92. *An Indictment for breaking into a Close, and treading downe the grasse.*

INquiratur &c. si *A.B.* de &c. die et anno &c. vi & armis &c. clausum *D.E.* apud *C.* præd. in Com. præd. fregit & intravit, & herbam suam ibid. ad valent. &c. pedibus suis ambuland. conculcavit & consumpsit, Et alia enormia &c. ad grave damnum &c. ac contra pa- ^{Judgement, ad} cem &c. ^{supra}

2. Of Fraud.

1. *Against Bakers conspiring to make small Bread.*

IUratores pro Dom. Rege &c. præsentant, quòd *A.B.C.D.E.F.* & *G.H.* de *M.* in dicto Com. pistores, secundo die Mensis Octobris, Anno regni dicti domini nostri Caroli, Dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Reg. fidei defensor. &c. 13^{to}. apud *M.* præd. in Com. prædicto insimul convenerunt, conspiraverunt, ac mutuo inter se promiserunt, quòd panis denarij, vocat. **the penny loafe**, de integro frumento, per eos seu eorum aliquem tum deinceps faciendus ac vendendus, non amplius quam 6. uncias Troiæ ponderis habebit & ponderabit, quodcunque imposterum foret unius quartarij frumenti pretium: in dicti domini nostri reg. subditorum gra- ^{Judgement;} vamen, necnon contra formam diversorum statutorum in hujusmodi ^{Fyne, and im-} casu provisorum & editorum, & contra pacem &c. ^{prisonment.}

2. *An Indictment of Conspiracy upon an acquittall of Felony in the Kings Bench.*

IUratores pro Domino Rege &c. dicunt & præsentant quòd *T.R.* *I.H.W.P.* & *W. Q.* de *S.* in Com. *D. yeomen* (conspiratione inter eos apud *L.* in Com. prædicto primo die Octobris, Anno regni domini regis nunc decimo, præhabita) quendam *W.* de eo quòd ipse, 20. die Novembris, Anno Regni dicti Domini Regis nono, inter alia quadraginta libras in pecunijs numeratis de denarijs ^{cujusdam}

Judgement,
That his house
shall be rased,
his woods era-
dicated, his
meadows
plowed, his te-
stimony never
to be received,
his person ne-
ver to approach
the Kings
Courts, his
lands & goods
to be sealed in-
to the Kings
hands, his bo-
dy to be im-
prisoned and
ransomed at
the Kings
pleasure.

cujusdam T.R. apud I. in Com. prædicto invent. felonice furatus fue-
rit, ceperit, & asportavit, coram domino Rege apud **the Kings
Courts Dublin** die Sabbati proxim. post crastin. animarum di-
cto anno decimo ejusdem domini regis indictari, & ipsum W. ea oc-
casione apud Dublin. in Com. Civit. Dublin. die Iovis proximo post
festum Sancti Hillarij dicto anno decimo capi, & ipsum in prisona
Mariscalcie dom. Regis coram ipso Rege apud D. prædict. in Co-
mitatu prædicto, quousque idem W. in Curia domini regis coram
ipso Rege apud D. in Comitatu Civitatis prædictæ die Iovis prox.
post festum Purificationis beatæ Mariæ virginis in eod. anno deci-
mo, inde secundum legem & consuetudinem regni Regis Hiber-
niæ acquietatus fuisset, detineri falso & malitiose procuraverunt:
contra formam statut. in hujusmodi casu edit. et provis. ac in con-
temptum dom. Regis &c. et contra pacem &c.

*3. Another Indictment of Conspiracie upon acquittall of Robbery before
Iustices of the Peace, and Oyer and Terminer.*

Iuratores pro Dom. Rege &c. dicunt & præsentant, quod I.H.
nuper de M. in Comitatu G. et E.H. de M. in Com. prædict. **reo-
men**, (conspiratione inter eos die veneris proximo post festum Puri-
ficationis beatæ Mariæ virginis, Anno Regni domini Regis nunc
duodecimo, apud C. in Com. prædict. præhabita) quendam I.C. de
eo quod ipse aggregatis sibi quamplurimis malefactoribus ignotis
modo guerrino arraiatis 6. die Octobris, Anno &c. apud L. in Com.
prædicto jecit in insidijs vi et armis ad interficiendum I.H. & in
ipsum I.H. adtunc & ibidem, vi & armis, viz. gladijs, arcubus exten-
sis, sagittis, et baculis insultum fecit, & ipsum adtunc & ibidem ver-
beravit, vulneravit, & maletractavit, ita quod de vita ejus desperaba-
tur: & quinque solidos in pecunijs numeratis de bonis & catillis di-
cti I.H. in quadam bursa sua adtunc & ibidem invent. felonice fu-
ratus fuit, cepit, & asportavit, contra pacem, coronam, & dignitatem
domini Regis nunc, die Mercurij proximo post clausum Paschæ dicto
anno duodecimo coram I.G. & W.M. Iusticiarijs pacis dicti domini
regis nunc, ac ad diversa felonias, transgressiones, & alia malefacta in
Com. prædicto per literas patentes dicti domini regis sub magno si-
gillo suo Hiberniæ audiend. & terminand. assignat. apud G. in Com.
prædict. indictari fecerunt, & ipsum I.C. ea occasione prædicto die
Mercurij dicto anno duodecimo apud G. prædict. capi & in prisona
domini Regis Comitatus prædicti, quousque idem I.C. inde coram
præfatis I.G. & W.N. secundum legem & consuetudinem regni dom.
Regis Hiberniæ prædicto die Mercurij, Anno 12. prædicto apud G.
prædict. acquietatus fuisset, detineri falso & malitiose procuraverunt:
in contemptum domini regis, & contra formam statut. in hujusmodi
casu edit. & provis. &c.

Judgement, as
supra.

4. For conspiring and combining to indict one for stealing of an horse of one of the Conspirators, and for procuring of divers false suits to be brought and pursued in the names of the conspirators, and of divers others against divers persons.

Iuratores &c. præsentant quòd *I.P.* nuper de *I.* in prædicto comitatu *E. Caylor*, & *R.B.* nuper de *C.* in prædicto Com. *E.* gener. unà cum alijs quamplurimis personis adhuc ignot. contra legem domini regis ac formam statutorum in hujusmodi casu provisorum, conspiratione & covina apud *T.* præd. die &c. anno &c. habit. & diversis tempor. postea simul unit. confederat. & jurat. falso, fraudulentè, & malitiosè vener. ad vindicand. destruend. perturband. placitand. adnihiland. & similiter adnulland. fideles & innocentes ligeos dicti domini regis pro lucro ad eorum proprium usum capiend. societatem inierunt, & ad invicem juraverunt ad simul standum contra dict. dominum regem & quoscunque ligeos suos in omnibus & singulis materijs, placitis, & querelis, per ipsos & eorum quemlibet motis seu movendis. Et si eorum aliquis cum aliquo, placita, materiam seu querelam moveret, quòd ipsi & eorum quilibet cum eo, sic materiam, querelam seu placitum movente, stare & perseverare deberent & deberet. Et si aliquis eorum aliquam querelam seu placitum nomine alterius personæ cujuscunque versus aliam personam super se assumpserit manutenend. extunc eorum quilibet querelam, sectam, seu placit. præd. tanquam querelam, sectam, seu placitum nomine eorum prosecut. manuteneret, foveret, & teneret, recto, veritate, iustitia, & jure omnino perpositis & sublat. virtute quorum quidem unionis, conspirationis, jurament. confederationis, & manutentionis prædictorum *I.P.* *R.B.* & al. sic in unum globat. & jurat. postea viz. die &c. Anno &c. (conspiratione inter eos apud *C.* in Comit. præd. præhabita) quendā *F.H.* de eo quòd ipse die &c. anno &c. unum equum pretij &c. de bonis & catallis prædicti *I.P.* apud *S.* invent. felonice furatus fuit, cepit, & abduxit, falso & malitiosè indiciari procuraverunt. Et prædicti *I.P.* & *R.B.* et alij modo et forma præd. uniti et confœderati diversa falsa placita, sectas, et querelas innumerabiles tam nominibus eorum proprijs quam nominibus aliarum personarum eis falso & malitiosè congregat. et unitarum prosecuti fuer. et manutenuerunt, et indies prosequuntur et manutinent; viz. prædict. *I.P.* ad hundred. domini *P.* milit. apud *C.* præd. 13. die &c. anno &c. tent. (eodem *I.* ad tunc Ballivo ejusdem hundred. existen.) ad statum et possessionem *R.S.* & *A.* uxoris suæ adnulland. et pro eo quòd ad quamlibet curiam hundredi ibidem successivè tenend. præd. *R.* uxorem suam ibidem producere nequireret, ita quod excessiva amerciamenta in status eorum depauperatione fierent

Judgement, as
supra.

fierent & evenirent consideratione taxator. amerciament. Curia præd. Et insuper de covina præd. I.P. adtunc & ibidem extiterunt in eadem Curia tresdecem querelæ de placito transgressionis nomine W.Y. & R.B. & quatuor querelæ transgress. nomine W. E. absque vera materia seu justa causa separatim versus prædictum R.S. & A. levatæ & intrat. ac præd. I.P. de covina sua præd. adtunc & ibidem procuravit præd. querentes hujusmodi querelas levare, ad grave damnum ipsorum R. & A. & contra formam statut. in hujusmodi casu provis. & contra pacem &c.

5. *An Indictment of Forgery, upon the statute of 1.H.5.cap.3.*

Judgement,
Fine, imprison-
ment, and
Ransome.

Iurator. pro Domino Rege &c. dicunt & præsentant, quòd cum in statuto in Parlamento Dom. Henrici quinti nuper Regis Angliæ &c. apud W. Anno regni sui primo tent. edit. inter cætera concordatum & stabilitum existat, quòd si aliqua personæ ex eor. conspiratione aliqua falsa facta & munimenta imaginata fuerint & fabricaverint, ac ea ad destruend. & perturband. possessiones & titul. ligeorum dom. Regis pronunciari, publicari, & legi facerent, per quod ligei Dom. regis prædicti de possessionibus suis turbari & vexari possunt, pars in hac parte gravata habeat scdam suam in hoc casu ad recuperand. damna sua, & pars convicta faciat finem & redemptionem ad voluntatem dom. regis (prout in statuto prædicto plenius continetur) Quidam tamen C. & E. de F. in Com. præd. generosi, stat. prædict. minime ponderantes, ex eorum falsa conspiratione & covina unum falsum factum de uno mesuagio &c. cujusdam A. in B. in Comit. prædict. viz. unum factum continens quòd P.C. dedisset et concessisset C.W. tenementa prædicta cum pertinentiis habend. sibi & hæredibus suis in perpetuum, ad destruend. & perturband. titulum ipsius A. de terris et tenementis prædict. 10. die Julij, Anno &c. apud T. in Com. prædict. subtiliter imaginati fuerunt & fabricaverunt, & præd. falsum factum adtunc & ibidem pronunciari, publicari, & legi fecerunt: per quod idem A. de possessione & titulo suis mesuag. et tenementorum prædict. graviter turbat. & vexat. existit: in dom. Regis nunc Contemptum, & contra formam statut. prædict. &c. & contra pacem &c.

6. *Another Indictment upon the same statute.*

Iuratores pro Dom. Rege &c. dicunt & præsentant, quòd cum in statuto in parlamento Henrici quinti nuper Regis Angliæ, &c. apud W. Anno Regni sui primo. tent. edit. inter cætera concordatum & stabilitum existat, quòd si aliqua personæ ex earum falsa conspiratione & covina aliqua falsa facta & munimenta subtiliter imaginata fuerint & fabricaverint, ac ea ad destruend. & perturband. possessiones & titulos ligeorum Dom. Regis pronunciari, publicari, & legi

legi fecerint, per quod ligei prædicti de possessione & titulo suis perturbari & vexari possunt, pars in hac parte gravata habeat sectam suam in hoc casu & recuperet damna sua, & pars convicta faciat finem & redemptionem ad voluntatem Domini Regis, prout in statuto prædicto plenius apparet, Quidam tamen *H. et R. de Q.* in Com. prædicto, die &c. Anno &c. apud *D.* in Com. prædict. ex eorum falsa conspiratione & covina, diversa falsa facta, viz. unum falsum factum per quod quidam *N.D. de B. &c.* dedisset, concessisset, & confirmasset *M.* sorori suæ manerium de *Dale* cum pertinentiis suis habend. & tenend. prædictum manerium cum pertinentiis præfatæ *M.* & hæredibus de corpore suo legitimè procreand. ita quod si contingeret quod eadem *M.* obiret sine hærede de corpore suo legitimè procreat. tunc post decessum ipsius *M.* prædictum Manerium cum pertinentiis suis integrè remaneret cuidam *T.* & hæredibus de corpore suo legitimè procreat. ac quoddam aliud falsum factum relaxationis, per quod prædictus *N.* remisisset, relaxasset, & omnino pro se et hæredibus suis in perpetuum quiet. clamasset prædictæ *M.* & hæredibus suis totum jus, titulum, et demand. ipsius *N.* quæ ipse tunc seu unquam ante habuit de & in Manerio prædicto cum pertinentiis apud *D.* prædict. die et anno prædict. subtiliter imaginari fuerunt: ac ea ad destruend. & perturband. possessionem & titulum cuiusdam *T.* in manerio prædicto cum pertinentiis tunc et ibidem pronunciari & legi fecerunt: per quod idem *T.* de possessione sua in manerio prædicto cum pertinentiis gravat. turbat. et vexat. existit: in contemptum dom. Regis nunc, et contra formam statuti prædicti, et contra pacem &c.

Judgement, as
supra.

7. Another Indictment of forgery upon the said statute without reciting the statute.

Iuratores pro Dom. Rege &c. dicunt & præsentant, quod cum *A.B.* seifitus fuit & adhuc seifitus est in dominico suo ut de feodo de uno mesuagio cum pertinentiis in *Dale* in Com. præd. quidam *W. & I. de F.* in Com. prædict. generosi ex eorum falsa conspiratione et covina quoddam falsum factum feoffamenti de prædicto mesuagio cum pertinentiis, in quo continetur quod *T. & A.* dederunt, concesserunt, & per idem factum confirmaverunt *I.P. & A.* uxori ejus prædict. mesuagium cum pertinentiis, habend. et tenend. ipsis ad terminum vitæ ipsorum, et post decessum ipsorum *I. et A.* prædict. mesuagium remaneret *W.T.* filio ejusdem *A.* ad terminum vitæ suæ, et post decessum ejusdem *W.* prædict. mesuagium cum pertinentiis remaneret *A.P.* filia prædicti *I.P. et A.* uxoris ejus et hæredibus suis in perpetuum, primo die Augusti, Anno &c. apud *B.* in Com. præd. subtiliter imaginari fuerunt fabricaver. ac illud ad tunc et ibidem ad destruend. et perturband. possessionem et titulum ipsius *A.B.* de mesuagio prædicto cum pertinentiis pronunciari, publicari, & legi fecerunt: per quod idem *A.B.* de possessione et titulo suis me-

Judgement, *in*
supra.

mesuagij prædicti cum pertinentijs graviter turbatus & vexatus existit. in contemptum dom. Regis nunc, ac contra formam statut. in hujusmodi casu edit. et provis. et contra pacem &c.

8. Another Indictment of forgery for antedating a deed of bargain and sale.

Judgement, *in*
supra.

I Vratores pro Dom. Rege &c. dicunt & præsentant, quòd cum *M. H.* seisitus fuit in dominico suo ut de feodo de et in manerio de *Dale* in Com. prædicto, & sic seisitus existens per quandam indenturam inter ipsum *M.* ex una parte, & *I. D.* ex altera parte, die &c. anno &c. confect. pro quadam pecuniæ summa inter eos concordat. apud *S.* in Com. prædict. viz. pro centum marcis tunc & ibidem eid. *W.* solut. barganiffet, et vendidisset eid. *I. D.* prædictum manerium cum pertinentijs, habendum eidem *I. D.* & hæredibus suis in perpetuum, Quidam *I. M.* machinans ipsum *I. D.* de bargania sua prædicta de dicto manerio cum pertinentijs falsè & fraudulentè decipere & enervare, 9. die Julij ult. præteriti quandam Indenturam de data primo die Julij, Anno &c. inter prædictum *M. H.* ex una parte & præfato *I. M.* ex altera parte confectam (falsè & fraudulentè suggerendo ipsum *M. H.* dicto primo die Julij, anno supradicto, barganiffasse & vendidisse manerium prædictum cum pertinentijs eid. *I. M.* pro quadam pecuniæ summa inter eos concordat. habend. sibi & hæredibus suis) apud *S.* in Comit. prædict. falso, fraudulentè, & subtiliter imaginatus est, fecit, & fabricavit: ac Indentur. illam, ad defraudendum ipsum *I. D.* de bargania sua prædicta manerij prædicti dicto primo die Julij apud *S.* prædict. fraudulentè publicavit & legi fecit: per quod idem *I. D.* in dicta bargania sua manerij prædicti graviter turbatus & vexatus existit, in contemptum dicti Domini regis, contra formam statut. in hujusmodi casu edit. & provis. Et contra pacem &c.

9. An Indictment against a Minister upon the statute of 23. El. cap. 4. in Ireland, for forging of an Indenture of bargain and sale of lands.

I Nquiratur pro Dom. Reg. quòd cum in statuto in Parlamento Domine Elizabethæ nuper Regine Angliæ, Franciæ & Hiberniæ, Anno regni sui vicesimo octavo tent. edit. &c. enactitat. fuit, quòd si aliqua persona quæcunque post finem ejusdem parliamenti ex sua propria mente & imaginatione, seu per falsam conspiratione & fraudem cum alijs, scienter et subtiliter causaret, seu scienter consentiret fabric. sive fieri aliquod falsum factum, cartam, seu scriptum sigillat, Rotul. Curia, aut testamentum alicujus personæ sive personarum in scriptis, ea intentione quòd status liberi tenementi seu hæreditatis alicujus personæ, sive personarum de, in, aut ad aliqua terras, tenementa,

nementa, seu hæreditamenta libera tenuræ, aut customar. vel rectum, titulus, five interesse alicujus personæ five personarum de, in, vel ad ea five aliquod eorum molestari, perturbari, destrui, recuperari vel onerari poterit, aut contigerit: aut post prædict. primum diem Junij, pronunciaret, publicaret, seu ostenderet in evidentiam, aliquod tale falsum aut fictum factum, cartam, scriptum, Rotul. Curia, aut testamentum, tanquam vera, sciens eadem facta falsa ac ficta esse, (ut præfertur) ad intentionem supramentionat. & inde foret convictus, aut super aliquam actionem five actiones fabricandi falsa facta super hoc statut. fundand. ad sextam partis gravatæ, vel aliter secundum ordinem & debitum cursum legum hujus Regni Hiberniæ, aut super billam vel informationem in Cur. Camera Castellum exhibend. juxta ordinem et usum Cur. ill. solveret parti gravatæ custagia et damna sua ad duplum inveniend. seu assidend. in Curia ubi hujusmodi Convictio foret, ac etiam statueretur super collistrigium in aliqua aperta villa mercatoria aut alio loco aperto, & ibidem haberet ambas aures suas abscisas, ac nares suas interscisc. & in partes divisas ac ferro igneo cauterisatas, sic quod remanere possent pro perpetua nota & signo falsitatis suæ; & forisfaceret Dom. Reg. hæred. & successor. suis integr. exitus & proficua terrarum & tenementorum suorum durante vita ipsius, prædictis damnis & custagijs recuperand. ad sextam partis gravatæ (ut præfertur) primo solvendis & levandis de bonis & Cat. offendentis & de exitibus & proficuis dictarum terrarum, tenementorum, & hæreditament. hujusmodi partis convict. aut unius seu utriusq; eorum, præd. titulo dict. Dom. Reg. hæred. vel successorum suorum ad eadem non obstante, prout in eodem statuto inter alia plenius liquet: Quidam tamen T. M. de C. in præd. Com. E. Clericus statutum prædict. non ponderans, nec poenam in eod. content. verens, post finem præd. parliamenti, viz. die &c. anno &c. apud T. in præd. Com. E. ex sua propria mente & falsa imaginatione & co-

Judgement, to be set upon the pillory, his ears to be cut off, his nose to be slit, and seared, to forfeit the profits of his lands, and to be imprisoned during his life, but this must be done by Justices of assize, and not by Justices of Peace,

10. *For Perjurie in a deposition before Commissioners by Commission out of the Court of Chancery returnable into the Court of Wards.*

[Ur. præsentant pro Dom. Reg. quòd *F. E. de G.* in Comit. præd. **Taylor**, 24. die Iulij, anno &c. apud *M.* in Comitatu *E.* prædict. coram *A. B. C. D. & E. F.* Armigeris, Cómis. (virtute brevis dict. Dom. Reg. de Commissione prædict. *A. B. C. D. & E. F.* directi, & extra Curiam Cancellariæ dict. Dom. Reg. apud Dublin. in Comitatu Civitatis Dublin. præantea emanentis) pro examinatione quorumcunque testium, tam ex parte cujusdam *I. L. de M.* prædict. in Comitatu *E.* prædict. **Weaver**, querentis, quam ex parte *H. M. de N.* in dicto Comitatu *E.* **yeoman**, defendentis, in quadam causa (sive materia) inter ipsos *I. L. & H. M.* tunc in Curia wardorum & liberationum controversa, & ibidem dependente in variantia pro titulo unius mesuagij cum pertinentijs in *M.* prædict. in dict. Com. *E.* personaliter constitutus, Ac tunc & ibidem existens testis productus per prædictum *I. L.* ad testificandum & deponendum in causa prædicta ex parte ipsius *L.* & juratus per Commissionarios prædictos ad veritatem dicendam super articulis interrogatorijs ei per dictos Commissionarios ad tunc & ibidem ministrandis, septimo articulo interrogatorio ei ad tunc & ibidem per dictos Commissionarios ex parte prædicti *I. L.* ministrato dixit, & super sacramentum suum prædict. affirmavit & deposuit prout in his Anglicis verbis immediate sequitur, viz. **To the seventh Interrogatorie he saith by vertue of his said oath, that the said mesuage was never occupied by the said H. M. the Defendant** (prout per dictam depositionem præd. *F. E.* inter alia per præfatos Commissionarios in dictam Curiam Wardorum & liberationum certificatam & missam ac ibid. de Recordo adhuc remanentem plenè apparet) ubi revera & in facto dictum mesuagium diu occupatum fuit per prænominat. *H. M.* defendentem. Et sic idem *F. E.* dicto vicesimo quarto die Iulij, anno suprad. apud *M.* præd. in dicto Com. *E.* coram prænominatis *A. B. C. D. & E. F.* Commissionarijs dict. dom. Reg. sic ut præfertur existentibus, voluntariè & corruptè perjurium commisit voluntarium & corruptum: contra formam statut. in hujusmodi casu provis. & edit.

Judgement,
to forfeit 40. l.
and if he have
not lands nor
goods to that
value, to stand
upon the pillory
and have
halfe a yeares
imprisonment.

11. *An Indictment of Champertie upon the statute of Articuli super cartas, cap. 11.*

[Vratores pro Dom. Rege &c. dicunt & præsentant quòd cum de comuni consilio Regni Regis Angliæ provisum sit, quòd nullus minister vel aliquis alius manuteneat placita querelas vel negotia quæ sunt in Curia domini Regis de terris, tenementis, aut alijs rebus quibuscunque pro parte rei petitæ, vel aliquo proficuo, per conven-

ventionem factam, inde habend. nec aliquis jus suum sub hujusmodi conditione alteri dimittat; Quidam *W.* die &c. anno &c. quandam querelam cujusdam *Affisæ* triscæ fortis quæ est in Curia Regis nunc Civitatis *E.* coram *A. B. Majori & C. D. & E. F.* vicecomitibus ejusdem Civitatis sine Breve ipsius domini Regis secundum consuetudinem Civitatis prædictæ inter *I. S.* querentem & *T. B.* repentem de uno mesuagio cum pertinentijs in Civitate prædicta pro parte ejusdem mesuagij, viz. pro medietate mesuagij illius sibi & hæredibus suis imperpetuum, & pro medietate damnorum in querela *Affisæ* prædictæ recuperand. inde habend. per conventionem inter præfat. *I.* ac prædict. *W.* apud *E.* prædict. factam, assumpsit pro præfat. *I.* manutenend. & manutenuit; ad grave ^{Judgement, Fyne, and imprisonment.} damnum ipsius *T. B.* & contra formam provisionis prædictæ, &c.

12. Another Indictment upon the same statute.

I Vratores pro Domino Rege &c. dicunt & præsentant, quòd cum inter cæteros articulos quos Dominus Edwardus nuper Rex Angliæ, progenitor domini Regis nunc, ad emendationem status populi Regni sui, fecit, provis. & ordinat. sit quòd nullus minister nec aliquis alius pro parte rei quæ est in placito habend. negotia quæ sunt in placito sibi sumat manutenend. nec aliquis jus suum sub tali conventionem alteri dimittat; Quidam *I. S.* de *A.* in *Com. D.* gener. die Lunæ proxim. post festum Sancti Michaelis Archangeli Anno Regni Domini Regis nunc duodecimo, quoddam placitum loquelæ (quæ fuit in Curia dicti Domini Regis coram Iusticiarijs ejusdem Domini Regis de Banco per Breve ejusdem Domini Regis inter *R. S.* & *I. G.* de placito debiti viginti librarum quas idem *R. S.* de præfato *I. G.* exigebat.) pro parte debiti prædicti et damnorum in ea parte recuperand. habend. viz. pro medietate debiti et damnorum illorum per conventionem inter prædictos *R.* & *I. S.* fact. apud *W.* assumpsit manutenend. & manutenuit; in contemptum Domini Regis nunc, et contra formam provisionis prædictæ, &c. ^{Judgement, et supra.}

13. Another Indictment upon the same statute for maintaining a suite in Chancery.

I Vratores pro Domino Rege &c. dicunt & præsentant, quòd cum de communi consilio regni domini Regis Angliæ concordatū sit, quòd nullus minister dom. regis, nec aliquis alius manuteneat placita, querelas, vel negotia, quæ sunt in Curia dom. regis, de tenementis vel aliquibus rebus quibuscunque pro parte rei vel alio proficuo

E e e e

Judgement,
(supra)

proficuo per conventionem factam inde habend. nec aliquis jus suum sub hujusmodi conditione alteri dimittat (prout in eodem statuto plenius continetur) Quidam tamen *I. H.* de &c. *Mercer*, statut. prædict. minimè ponderans, sed machinans & fraudulenter intendens quendam *R. B.* prægravare, quoddam negotium quod fuit coram dom. rege nunc in Cancellaria sua apud *W.* in Com. *M.* per breve Domini Regis de *Sub-pena* inter *C. B.* & præfatum *R. B.* pro summa octoginta librarum pro parte inde &c. 3. die Augusti, Anno Regni dicti Domini Regis nunc decimo, apud *L.* assumpsit manutenend. & adtunc & ibidem manutenuit; in contemptum domini Regis, ad grave damnum ipsius *R. B.* & contra formam ordinationis prædict. &c.

14. *An Indictment of Maintenance upon the statute of*
1. R. 2. cap. 4.

Judgement,
Fine, imprison-
ment, and
Ransome.

Iuratores pro Dom. Rege &c. dicunt & præsentant, quòd cum in statuto Richardi nuper Regis Angliæ &c. secundi, Anno Regni sui primo, apud Westm. tent. inter cætera contineatur, quòd nulla persona regni Regis Angliæ, (cujuscunque status, gradus, seu conditionis fuerit) aliquam querelam in patria nec alibi manuteneat seu sustentet, sub poena imprisonment, & faciend. dom. Regi finem & redemptionem ad voluntatem ipsius domini regis, quilibet viz. juxta statum, gradum, & demeritum sua (prout in eod. statuto plenius continetur) Quidam tamen *W. N.* de &c. die &c. anno &c. quandam querelam ejusdam loquelæ (quæ fuit in Curia Dom. Regis nunc coram Iusticiarijs suis de Banco per breve ipsius Domini Regis inter *R. R.* & *I. M.* de quadam transgressione eid. *R.* per eundem *I. M.* illat. ut dicitur) pro parte prædicti *R.* apud *W.* in Comitatu prædict. manutenuit & sustentavit; in domini Regis nunc contemptum, & ipsius *I. M.* grave damnum, ac contra formam statuti prædicti, &c.

15. *Another Indictment upon the same statute without re-*
citing the statute.

Iuratores pro Domino Rege &c. dicunt & præsentant, quòd *B. C.* de *D.* in Comitatu prædicto gener. quandam querelam (quæ est in Curia Domini Regis nunc coram ipso Rege inter *I. B.* querent. & *H. S.* defendentem de placito quòd idem *H.* reddat eid. *I.* centum libras quas ei debet & injustè detinet) die &c. Anno &c. apud *W.* in Com. prædict. pro parte prædicti *H.* manutenuit & sustentavit in dicti Dom. Regis

Regis contemptum, & contra formam statut. in hujusmodi casu
edit. & provis. Judgement, as
supra

*16. Another Indictment upon the same statute without
reciting the statute.*

I Uratores pro Dom. Rege &c. dicunt & præsentant, quòd cum
I. S. quandam querelam cujusdam loquelæ in Curia Domini Regis
coram ipso Rege apud W. per breve ipsius Regis inter præfatum
I. S. & T. M. de placito quare cum placita de transgressione contra pa-
cem domini regis facta in Regno Domini Regis ad dom. regis coro-
nam & dignitatem suas, & non ad alium, pertineant in eod. regno di-
ctus T. M. prosecutus est placitum in Curia Christianitatis de hujus-
modi transgressione versus præfatū I. S. in læsionē coronæ & dignitat.
dom. Regis; Quidam tamen I. R. de &c. præmissorum non ignarus, sed
machinans & fraudulenter & illicitè intendens prædictum I. S. præ-
gravare, die &c. anno &c. apud W. in Comitatu prædict. prædictum
placitum pro parte prædicti T. M. versus præfatum I. S. manutenit Judgement, as
supra
& sustentavit; in dicti domini regis nunc contemptum, ac contra
formam statut. in hujusmodi casu edit. & provis.

17. Another Indictment upon the same statute.

I Uratores pro Dom. Rege &c. dicunt & præsentant, quòd cum in
statuto apud W. nuper edito inter cætera contineatur, quòd nulla
persona regni domini Regis Angliæ &c. (**as in the first Pre-
sident upon this statute**) Quidam tamen R. S. & I. D. de F. in Co-
mit. prædict. **yeoman**, die &c. anno &c. querelam cujusdam pla-
citi, quæ est coram T. B. milite & socijs suis Iusticiarijs Domini
Regis nunc de Banco per breve ipsius Domini Regis inter quen-
dam R. R. & I. D. de quadam transgressione, viz. de eo quòd idem
I. D. vi & armis, clausum & domos ipsius R. R. apud B. prædict.
fregit, & bona & catalla sua ad valentiam 40. s. ibidem inventa
cepit & abduxit, contra pacem Domini Regis nunc, eid. R. R. per
præfatum I. D. illatam, ut dicitur, pro parte dicti I. D. & contra
præfatum R. R. apud B. prædict. manutenuerunt & sustentave-
runt, & adhuc manutinent & sustentant; in contemptum dicti Judgement, as
supra
Domini Regis nunc, ad grave damnum ipsius R. R. ac contra for-
mam statuti prædict.

18. *Another Indictment of maintenance upon the said Statute
of 1. R. 2. cap. 4.*

Judgement, ut
supra.

Iuratores pro Dom. Rege &c. dicunt & præsentant, quòd cum *A.* de *B.* quandam querelam Affisæ novæ disseisinæ arrainavit coram dilectis & fidelibus domini Regis *S.* & *W.* Iusticiarijs ejusdem Domini Regis ad Affisas in Com. prædict. capiendas assignat. per breve ipsius domini Regis versus *T. S.* de tenementis in *G.* Quidam *G. H.* de *L.* in Com. prædicto gener. die &c. anno &c. pro parte ipsius *T.* apud *E.* in Com. prædict. manutenuit & sustentavit; in dicti domini Regis contemptum, & contra formam statut. in hujusmodi casu edit. & provis.

19. *An Indictment of maintenance upon the statute of
10. Car. cap. 15. in Ireland.*

Iuratores pro Dom. Rege &c. dicunt & præsentant, quòd cum in statuto in Parlamento Dom. Regis nunc Caroli apud Castrum Dublin. die Lunæ, viz. 14. die Julij, Anno Regni sui decimo, inchoato, tento, & ibidem per diversas prorogationes usque ad diem Lunæ, viz. vicesimum sextum diem Ianuarij tunc proximè sequent. similiter tento, & ibidem continuato usque ad vicesimum primum diem Martij tunc proximè sequent. & ibidem prorogat. abinde usque ad 24. diem Martij prædicti tunc proxima. sequent. per dictum dominum regem cum assensu dominorum spiritualium & temporalium ac Communitatis in eod. Parlamento congregat. necnon autoritate ejusdem Parliamenti inter alia ad tunc & ibidem inactitat. existit, quòd nulla persona sive personæ, cujuscunque status, gradus, sive conditionis fuerit sive fuerint, extunc de cætero illicitè manuteneret sive manutenerent, aut causaret sive causarent, sive procuraret aut procurarent aliquam illicitam manutentionem in aliqua actione, demanda, secta, seu querela in aliqua Curia domini Regis Cancelleriæ, Camera Castell, aut alibi infra regnum Hiberniæ, ubi aliqua persona sive aliquæ personæ habent, seu extunc in posterum haberent autoritatem virtute Commissionis domini Regis literarum patentium vel brevis ad tenendum placita terrar. vel ad examinand. audiend. sive determinandum aliquem titulum de terris, sive aliquam materiam de testibus concernent. titulum, jus, vel interesse aliquar. terrar. tenementor. sive hæreditamentor. ac etiam quòd nulla persona sive personæ (cujuscunque status, gradus, vel conditionis ipse vel ipsi fuerit vel fuerint) extunc in futur. illicitè retineret sive retinerent, pro manutentione alicujus sectæ sive placiti, aliquam personam aut aliquas personas, sive embracearet vel embracearent aliquos liberos tenentes vel Iuratores, aut subornaret aliquos testes per literas, regardâ præmissâ: sive aliquem alium finistrum laborem

borem vel medium ad manutenendum aliquam materiam five causam, vel ad disturbancem seu impedimentum justitiæ, vel ad procuracionem five occasionem alicujus perjurij per falsum veredictum aut aliter in aliquibus Curijs antedictis, sub poena forisfaciendi pro quolibet hujusmodi offenso decem libras, quarum una medietas inde esset Dom. Regi, altera vero, inde medietas esset illi qui proinde prosequi voluerit per actionem debiti, billam, querelam, five informationem in aliqua curia Domini Regis, ubi nullum essonium, protectio, vadiatio legis, five injunctio allocabitur; (prout in statuto prædicto inter alia plenius continetur) Quidam tamen R. M. de S. in Comit. præd. gener. statutum prædict. minimè ponderans quandam actionem inter quendam W. P. & I. W. de placito debiti in Curia Domini Regis Comitatus D. in Comitatu ejusdem Civitatis in Thelonio ejusdem Civitatis coram H. M. Majore Civitatis illius pendent. pro parte dicti W. P. versus prædictam I. W. die &c. anno &c. apud prædictam civitatem D. in Comitatu prædict. manutenuit & sustentavit; in justitiæ manifestam retardationem & disturbancem, ac in dicti domini regis nunc contemptum, & contra formam statuti prædicti.

Judgement,
Fine of 10. l. &
imprisonment.

20. *The like Indictment without reciting the statute.*

Iuratores pro Domino rege &c. dicunt & præsentant, quòd cum quoddam placitum de debito penderet in Curia Dom. Regis Civitatis D. in Comitatu ejusdem Civitatis inter W. P. querentem & I. W. defendentem coram H. M. Majore & A. B. & C. D. vicecomit. ejusdem Civitatis, Quidam R. M. de Q. in Com. prædict. gen. leges & statuta dicti domini Regis hujus Regni Hiberniæ minimè ponderans, pro parte dicti W. P. versus prædictum I. W. in placito prædicto, die &c. anno &c. apud prædictam Civitat. D. in Com. præd. illicitè manutenuit & sustentavit; in justitiæ manifest. retardationem & disturbancem, in dicti Domini Regis nunc contemptum, & contra formam statuti. in hujusmodi casu edit. & provis.

Judgement, as
supra.

An information may also be framed upon the said statute mutatis mutandis.

21. *For Maintenance in an Assize of Novel disseisin, for to have the Moity of the Land in question, and an hundred pounds in mony.*

Iur. pro Dom. reg. præsentant &c. quòd I. C. T. C. ac I. P. de O. in Com. E. **peomen**, ac alij de confederatione & covina prædictor. I. C. T. C. & I. P. existen. quoddam placit. Assisæ novæ disseisinæ quod nuper summon. fuit in Cur. dict. dom. reg. coram dilectis & fidelibus dict. dom. Reg. I. S. & L. R. & alijs nuper Iustic. ipsius dom. reg. ad assisam illam capiend. assignatis, per breve ipsius dom. Reg. in-

ter

Indgement, ⁱⁿ
supra.

ter *W.S.* querent. & *I.H.* tenentem, de quodam libero tenemento in *N. & S.* in Com. E. præd. viz. pro medietate inde sibi & hæredibus suis in perpetuum, & pro 100. l. *Sterling*, in pecunia numerata in hac parte habenda per conventionem inde inter præd. *W.S.* & præfatos *I.C. T.C. & I.P.* 20. die mensis Augusti, Anno regni dicti domini Regis nunc duodecimo apud C. prædict. in dict. Comit. fact. pro prædict. *W.S.* contra præfat. *I.H.* dict. die, anno, & loco assumpt. manutenend. & manutenuerunt; In magnam dict. Dom. Reg. contemptum, ac contra formam diversorum statutorum in huiusmodi casu provis. ac edit.

22. *For Maintenance upon the statute of Anno 10. Caroli in Hibernia against one for maintaining in an Action of debt.*

Iuratores &c. præsentant, quod cum in statuto in Parlamento Domini Regis nunc, tent. vicesimo sexto die Ianuarij, Anno Regni sui decimo, & ibidem per diversas prorogationes, usque ad 24. diem Martij tunc proxim. sequent. prorogat. & continuat. & tunc ibidem tent. per dictum Dominum Regem, cum assensu dominor. spiritualium et temporalium ac communitatis in eodem Parlamento congregat. necnon autoritate ejusdem Parliamenti, inter alia ad tunc & ibidem inactitat. existit, Quod nulla persona sive personæ (cujuscunque status, gradus sive conditionis ipse vel ipsi fuerit sive fuerint) extunc de cætero illicitè manuteneret sive manutenerent, aut causaret sive causarent, procuraret sive procurarent aliquam illicitam manutentionem in aliqua actione, demanda, secta, sive querela in aliqua Curia domini regis Cancellariæ, Cameræ Castelli, aut alibi infra Regnum Hiberniæ, ubi aliqua persona sive aliquæ personæ habent, seu extunc imposterum haberent auctoritatem virtute commissionis Domini Regis literarum patentium vel brevis ad tenend. placita terræ, vel ad examinand. audiend. sive determinand. aliquem titulum de terra, sive aliquam materiam, vel testes concernent titulum, jus, vel interesse aliquar. terrar. tenement. sive hæreditament. Ac etiam quod nulla persona sive personæ (cujuscunque status, gradus, vel conditionis, ipse vel ipsi, fuerit, sive fuerint) extunc in futurum, illicitè retineret sive retinerent, pro manutentione alicujus sectæ sive placiti, aliquam personam aut aliquas personas, sive imbrasiaret vel imbrasiarent aliquos liberos tenentes vel juratores, aut subordinaret aliquos testes per literas, munera, promissa, sive aliquem alium sinistrum laborem vel medium ad manutenendum aliquam materiam sive causam, aut ad disturbance[m] vel impediment. Iustic. vel ad procuration. sive occasion. alicujus perjurij per falsum veredictum aut aliter, in aliquibus Curijs antedictis, sub poenâ forisfaciendi pro qualibet huiusmodi offensa 10. l. quarum una medietas esset dom. Regi, altera vero illi qui pro eadem prosequi voluerit per actionem

nem debiti, billam, querelam, five information. in aliqua Curia dicti domini Regis, ubi nullum effon. proteet. vadiat. legis, five injunctio allocabitur, (prout in statut. prædict. inter alia plenius continetur) Quidam tamen T.L. statut. præd. minime ponderans, quandam actionem (quæ fuit in Curia Dom. Reg. coram Iusticiarijs suis de banco inter quendam R.B. querent. & quendam T.D. defendent. de placito debiti,) pro parte dicti R.B. versus præf. T.D. 27. die Junij, Anno regni dom. reg. nunc Angliæ &c. tertio, apud S. in prædict. Comitatu. E. manutenuit & sustentavit; in Iustitiæ manifestam retardationem & disturbantiam, ac in dicti Dom. regis nunc contemptum, & præd. T.D. grave damnum, ac contra formam statut. prædict. &c.

Judgement,
Fine of 10. l. &
imprisonment.

23. *An Indictment for buying of a pretended Title upon the statute of 10. Caroli cap. 15. in Ireland.*

Iur. &c. dicunt & præsent. quod cum in quodam Parlamento domini Regis nunc, anno Regni sui decimo tent. inter alia inactitat. fuit autoritate ejusdem Parliamenti, quod nulla persona vel personæ (cujuscunque status, gradus, seu conditionis fuerit vel fuerint) barganizaret vel barganizarent, emeret vel emerent, venderet vel venderent, vel aliquibus vijs vel medijs obtineret vel obtinerent, acquireret vel acquirerent, haberet vel haberent aliqua prætenfa jura aut titulos, seu caperet vel caperent promissionem, concessionem, vel conventionem ad habendum aliquod jus vel titulum de aliqua persona vel personis in vel ad aliqua maneria, terras, tenementa, vel hæreditamenta, nisi talis persona vel personæ, quæ sic barganizaverit vel barganizaverint, vendiderit vel vendiderint, dederit vel dederint, concesserit vel concesserint, convenerit vel convenerint seu promiserit vel promiserint eadem, antecessores sui, aut illi per quos ipse vel ipsi clamant eadem, fuerunt in possessione de eisdem vel de reversione five remanere inde, aut perceperint redditus vel proficua inde per spatium unius anni integri proximi ante prædict. barganiam, conventionem, concessionem, vel promissionem fact. sub pœna quod ipse qui fecerit aliquam talem barganiam, venditionem, promissionem, conventionem, vel concessionem, forisfaceret integrum valorem terrarum, tenementorum, vel hæreditamentorum sic barganizator. venditorum, promissorum, conventorum, vel concessorum contra formam ejusdem Actus Parliamenti: & emptor vel captor inde, cognoscens eadem, forisfaceret etiam valorem dictorum terrarum, tenementorum, vel hæreditamentorum sic per ipsum emptorum vel captorum, ut supradictum est, unde una medietas dictar. forisfacturarum foret Domino Regi, & altera medietas parti quæ sequi voluerit pro eisdem in aliqua Curia Domini Regis de Recordo per actionem debiti, billam, querel. vel informationem: in quibus actione, billa, querela, vel informatione nullum effonium, proteetio legis, vadiatio,

Judgement,
Fyne to the
value of the
lands, and
imprisonment:
but this Judg-
ment is to be
given by Iusti-
ces of assise,
and not by Ju-
stices of Peace.

vadiatio, neque injunctio esset allocat. (prout in eod. Actu, inter alia, plenius continetur) Quidam tamen *A.B. & C.D.* de *E.* in Com. *F.* prædict. *peomen*, statut. prædictum minimè ponderantes, post editionem Actus illius, viz. die &c. anno &c. unum mesuagium & undecim acras terræ in *H.* in Com. prædict. de valore centum librar. apud *H.* prædict. quibusdam *R.M. & G.P.* & hæredibus suis bargainaver. concesser. & confirmaver. de quibus quidem tenementis iidem *A.B. & C.D.* nec aliquis antecessorum suorum, nec illi per quos iidem *A.B. & C.D.* clamant eadem tenementa, fuerunt in possessione de eisdem nec de reversione vel remanere inde, neque perceperunt, nec eorum aliquis percepit redditus vel proficua eorund. per spatium unius anni integri proximi ante prædict. bargainiam & concession. inde factas; in contemptum dicti Domini Regis, & contra formam statut. prædicti.

24. *An Indictment for the maintaining of one in an Action of Formedon en descender.*

Judgement,
Fine, im-
prisonment,
and Ransome.

Iuratores pro Dom. Rege præsentant &c. quòd cum in quodam Parlamento Richardi secundi nuper Regis Angliæ &c. ordinatum existit, quòd nulla persona de regno dom. Reg. (cujuscunque status, gradus sive conditionis fuerit) aliquam querelam in aliqua Curia nec alibi manuteneat nec sustineat, super poenam imprisonmenti & faciend. Domino Regi finem & redemption. ad voluntatem ipsius Dom. Reg. Quidam tamen *P.M.* de *P.* in Com. *N.* *perman*, statut. præd. minimè ponderans, quandam querelam cujusdam loquelæ quæ est in Curia dicti Dom. Regis nunc, coram Iustic. dict. dom. Regis de communi Banco per breve ipsius dom. Regis de forma donationis *en descender* inter *R. G.* petent. & *N. A.* tenent. de quinque acris terræ &c. cum pertin. in *C.* pro parte ipsius *N.* tenend. 2. die Aprilis, anno &c. apud *N.* in Com. præd. manutenuit & sustentavit, & adhuc sustentat; in dict. dom. Regis nunc contempt. ac contra formam statut. in hujusmodi casu edit. & provis. & contra pacem dicti Domini Regis &c.

25. *For Embracery of Jurors.*

Iuratores præsentant pro Dom. Rege, &c. quòd *A.B. C.D.E.F. & G.H.* &c. complices *I.K.* (*naming all the Jurors*) &c. Iurat. in quadam Assisa novæ disseisinæ quæ nuper summonita fuit coram dilectis & fidelibus dicti domini Regis *I.B. I.C. & N.C.* nuper Iusticiarijs dicti Domini regis nunc ad Assisam illam capiendam, per Breve ipsius domini regis inter *W.S. & I.H.* de tenementis in *N.* in Comitatu prædicto, pro veredicto suo in hac parte dicend. de præfato *I.H.* diversas pecuniarum summas, viz. præd. *A.B.* de prædicto *I.H.* 40. s. & alia dona, scil. panem, carnes, & vinum, ad valentiam 20. s.

Et

Et prædict. *I. K.* Imbraccator ejusdem assisæ ad eandem ducend. & procurand. de prænominato *W. S.* summam decem mercarum vice-
simo die Augusti, Anno Regni dicti domini nostri Caroli, Dei
gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, fidei defen-
sor &c. 13. apud *M. præd.* in Comit. prædicto illegitimè ceperunt:
In dicti domini Regis nunc contemptum, ac contra formam cujusdam
statuti in Parlamento domini Edwardi olim Regis Angliæ tertij, ^{Judgement,}
Anno Regni sui tricesimo octavo tento, & al. statut. in hujusmodi ^{decies tantum,}
casu provis. ac edit. & contra pacem &c.

26. *An Indictment upon the statute of 28. Edw. 3. cap. 12. against
Imbracery of Jurors.*

Iuratores pro Domino Rege dicunt & præsentant, &c. quòd cum
in Parlamento Domini Edwardi nuper Regis Angliæ progeni-
toris domini Regis nunc, Anno Regni sui 38. tento inter cætera
concordatum existit, quòd si aliqui Iuratores in assisibus Iurat. & alijs
Inquisitionibus capiend. inter dominum Regem & partem, vel inter
partem & partem, quicquam capiant per ipsos vel per alios de parte
conquerent. vel defendent. pro veredicto suo dicendo, & super hoc
per processum in quodam Articulo de Iuratis, Anno Regni ejus-
dem progenitoris domini Regis nunc 34. fact. ordinat. convincatur,
sive sit ad sectam partis aut alterius cujuscunque personæ quæ pro
dom. Rege aut pro seipso prosequi voluerit, solvat quilibet dicto-
rum Iurator. decies tantum quantum ipse recepit, & habeat ille qui
facit sectam unam medietatem & Rex alteram medietatem: Et quòd
omnes communes imbraciatores ducen. & procuran. tales inquisitio-
nes in patria pro lucro vel proficuo puniantur eisdem modo & forma
sicut Iuratores: & si Iurator vel Imbraciator ita convictus non ha-
beat unde in forma prædicta satisfaciat, habeat prisonam unius anni
(prout in ordinatione & concordia præd. plenius continetur) Quidam
tamen *T. H. & I. B. de A. in Com. D. complices I. C. & jurat.* in quadam
Assisa novæ disseisinæ quæ nuper summonita fuit coram dilectis & fi-
delibus domini Regis *A. B. & C. D.* Iusticiarijs domini Regis ad As-
sisas in Comitatu *D.* capiendas assignat. per Breve ipsius dom. Regis
inter *W. S. & I. H.* de tenementis in *N.* pro veredicto suo in hac parte
dicendo, de præfato *I. H.* diversas pecuniarum summas, viz. prædi-
ctus *T. H.* de prædicto *I. H.* 40. s. & alia dona scil. panem, carnes, pis-
ces, vinum & cervisiam ad valenc. 40. s. Et præd. *I. B.* de præd. *I. S.*
10. s. sterl. Ac *I. S.* de *A.* præd. imbraciator ejusdem Assisæ ad eand.
ducend. & procurand. de præfato *I. H.* diversas pecuniarum summas,
viz. centum marcas die &c. anno &c. apud *B.* ceperunt; in dicti do-
mini regis contemptum, ac contra formam ordinationis & concordie
prædict. &c. & contra pacem, &c.

Judgement,
Fine of ten
times the value
of that received
against the Ju-
ror, and Fine
and imprison-
ment against
the Imbracer.

27. *An Indictment upon the statute of Anno 38. Ed. 3. against diverse Jurors in an Assise for taking of rewards to give their verdict, and also against an imbraceour in the same Assise.*

Iurator. præsent. pro Domino Rege &c. quod *A. B. C. D. E. F. G. H. &c.* complices *I. K.* (naming all the Jurors) &c. Iurat. in quadam Assisa novæ disseisinæ quæ nuper summonita fuit coram dilectis & fidelibus dict. Dom. Reg. *I. B. I. C. & N. C.* nuper Iusticiar. dicti dom. Reg. nunc ad assisam illam capiendam per Breve ipsius Dom. Reg. inter *W. S. & I. H.* de tenementis in *N.* in præd. Com. *E.* & postmodum viz. die Lunæ &c. anno &c. coram præf. *I. B. I. C. &c.* apud *M.* in Comitatu *E.* præd. per Breve ipsius Dom. Reg. si non omnes capt. posit. pro veredicto suo in hac parte dicendo, de præf. *I. H.* diversas pecuniar. summas, viz. *A. B.* de prædict. *I. H.* 40. s. & alia dona, scil. panem, carnes, & vinum ad valentiam 20. s. illegitimè ceperunt; Et prædictus *I. K.* (Imbraceator ejusdem Assisæ ad eandem ducendam, & procurandam) de prænominat. *W. S.* summam decem marcar. 20. die Aug. anno Regni dicti Domini nostri Carol. Dei gratia Angliæ, Franc. & Hiberniæ Regis, fidei defensoris, &c. quinto, apud *M.* præd. in Com. *E.* præd. illegitimè ceperunt; Indict. Dom. Reg. nunc contemptum, ac contra formam ejusdem statuti in Parlamento dom. Edwardi olim Regis Angliæ tertij, anno reg. sui tricesimo octavo, tento, in hujusmodi casu provisi ac edit.

Judgement, *ut supra.*

28. *For Extortion in a Coroner.*

Inquiratur pro Domino Rege si *A. C.* de *B.* indicto Com. generosus, 6. die Junij, Anno Regni dicti Domini nostri Caroli Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis, fidei defensoris, &c. 13°. unus Coronator. dicti Domini regis in dicto Comitatu adtunc existens, apud *B.* prædictam in Comitatu prædicto, colore officij prædicti, extorsivè cepit pro feodo suo 20. solid. de quodam *I. S.* in dicto Com. generoso in & pro functione & executione officij sui prædicti super vilum corporis *R. N.* nuper de *B.* prædicta in comitatu prædicto (qui quidem *R. N.* quinto die dicti mensis Junij, anno supradicto, apud *B.* prædict. in comitatu prædict. casu ab equo suo, per infortunium fuit occisus) in magnum dicti domini Regis contemptum, ac contra formam statut. in hujusmodi casu provis. ac edit. & contra pacem &c.

Judgement,
Fine of 5. l. and
imprisonment.

29. *For extortion in a Bishops Scribe or Register.*

I Uratores præsentant pro Domino Rege &c. quòd *A. B. de C.* in dicto Comitatu generosus, primo die mensis Augusti, Anno Regni dicti Domini nostri Caroli, Dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, fidei defensor. &c. 13. adtunc Scriba sive Registrarius reverend. in Christo Patris, D. tunc permissione divina Dublinensis Episcopi existens apud *M.* in Comitatu prædicto, colore officij sui prædicti, extorsivè ac injuriosè cepit de quodam *I. S. de M.* prædict. in dicto Comit. Husbandman, 20. s. legalis monetæ Angliæ pro feodo ipsius *A. B.* pro scriptione probationis unius testamenti cujusdam *R. N.* (qui quidem *R. N.* apud *M.* prædict. infra dioccesin dicti D. Episcopi 24. die Julij anno supra dicto mortuus est) ubi revera idem testamentum tunc ibidem allatum est ad dictum Scribam (sive Regist.) per dictum *I. S.* in pergameno scriptum, & ubi omnia bona, jura, & credita dicti *R. N.* dicto tempore dictæ mortis suæ non excedebant summam 5. l. & ubi etiam tota dicta scriptio probationis testamenti prædicti, per præfat. scribam (sive Regist.) sic ut præfertur facta, non continebat in se 40. lineas, quarum quæque linea erat decem pollicium in longitudine; In magnam dicti Domini regis contemptum, ac contra formam statut. in hujusmodi casu provis. ac edit.

Judgement,
Fine of 10. l. &
imprisonment;

30. *An Indictment of Extortion against a Gaoler upon the statute of 23. H. 6. cap. 10.*

I Uratores pro Domino Rege dicunt & præsentant, quòd cum in Statuto in Parlamento Domini Henrici sexti nuper Regis Angliæ apud Westm. Anno Regni sui 23. tento, edit. & postea in hoc Regno Hiberniæ autoritate Parlamenti confirmato, inter alia cõtineatur, quòd nullus vicecomes, subvicecomes, Clericus vicecomitis, vel subvicecomitis, Seneschallus libertat. ballivi, custodes prison. aut alij officarij in aliquo Comitatu, occasione seu colore officij sui aliquid aliud capiant per se nec per aliquam aliam personam ad eorum usum vel proficuum de aliqua persona per ipsos vel eorum aliquem arrestand. vel attachiand. nec de aliquo alio pro eis pro aliquo arresto vel attachiamento faciend. pro eorum corpora dimittend. seu de aliqua persona per ipsos vel eorum aliquem virtute seu colore officij sui arrestat. vel attachiat. pro fine, feodo, secta, prisonæ, manucaptione, dimissione ad ballium, vel monstratione alicujus aisiamenti vel favoris alicui tali personæ sic arrestat. vel arrestand. pro eorum riguarda seu proficuo, nisi talia qualia sequuntur, videlicet, pro vicecomite 20. d.

F f f f 2

pro

Judgement,
Fine of 40.l. &
imprisonment.

pro ballivo qui fecerit arrestum vel attachiamentum 4. d. & pro Gaolario (si prisonarius fuerit custodiæ suæ commissus) 4. d. & quod quilibet vicecomes, Subvicecomes, clericus, ballivus, Gaolarius, Coronator, Seneschallus, Ballivus Franchesiæ, vel alius officarius seu minister qui fecerit contrarium statuti prædicti vel alicujus articuli inde, perdat parti in hac parte damnificatæ seu gravatæ tripla damna sua; & forisfaciat summam quadraginta librarum toties quoties contrarium statuti prædicti vel alicujus articuli inde fecerit, unde Dominus Rex habeat unam medietatem ad usum hospitij sui, & nullo alio modo disponend. & pars quæ in hac parte sequi voluerit aliam medietatem (prout in eod. statut. plenius continetur) Cumq; etiam I. L. de M. per W. P. & W. D. Iusticiarios domini Regis nunc ad pacem in Comit. prædict. conservand. assignat. pro suspitione mortis cujusdam I. G. felonice interfecti captus fuisset, & per ipsos eod. die & anno commissus fuit R. A. Custodi Gaolæ Domini Regis Comitatus prædicti sub custodia ipsius R. A. pro suspitione prædicta salvo custodiend. Idemque I. L. in prisona illa sub custodia prædicti R. A. à prædicto tempore quo commissus fuit ad gaolam prædict. per novem septimanas tunc proximè sequentes pro ead. suspitione sub custodia prædicti R. A. detentus fuisset, prædictus tamen R. A. statutum prædictum & pœnam in eod. content. parvi pendens, octo libras sterl. de eod. I. L. pro aisiamento, favore, & secta prisonæ in Gaola prædicta per idem tempus habend. die &c. Anno &c. apud E. recepit; in contemptum domini Regis nunc, ac contra formam statut. prædict. &c. & contra pacem &c.

31. An Indictment of Extortion against a Sheriffe upon the said statute of 23. H. 6. cap. 10.

Iuratores pro Dom. Rege &c. dicunt & præsentant, quod cum in statuto in Parlamento Domini Henrici sexti nuper Regis Angliæ apud Westm. Anno Regni sui 23°. tent. edit. ac postea in hoc regno Hiberniæ autoritate Parliamento confirmato, inter cætera contineatur, quod nec Vicecomes, Subvicecomes, Clericus vicecomitis, Seneschallus, sive ballivus Franchesiæ, sive serviens aut ballivus, nec Coronator aliquid capiat colore officij sui per ipsum nec per aliquam aliam personam ad ejus usum de aliqua persona pro factura alicujus retorn. vel panelli, pro copia unius panelli ultra quatuor denarios: Et quod omnes vicecomites, Subvicecomites, Clerici, Ballivi, Gaolarii, Coronatores, Seneschalli, Ballivi Franchesiæ, vel aliqui alij officarii aut ministri qui faciunt in contrarium hujus ordinationis in aliqua parte ejusdem, perdant parti in hac parte damnificatæ aut gravatæ damna sua in triplum; & forisfaciant summam quadraginta librarum quolibet tempore quo ipsi vel aliquis eorum facient vel faciet in contrarium ejusdem statuti sive alicujus articuli inde, unde Dominus Rex habeat unam medietatem ad usum hospitij

hospitij sui, & nullo alio modo applicand. & pars quæ hoc sequi voluerit, aliam medietatem (prout in eod. statuto plenius continetur;) Cumque etiam *A. B.* de *D.* nuper in Curia Domini Regis nunc, coram *I. B.* & locijs suis tunc Iusticiarijs ipsius Domini Regis de Banco per considerationem ejusdem Curia recuperasset versus *C. D.* centum libras pro damnis suis quæ sustinuit tam occasione cujusdam disseisinæ viginti marcarum redditus cum pertinentijs in *S.* eidem *A. B.* per præfatum *C. D.* illat. quam pro arrearagijs ejusdem redditus, sicut per Recordum & processum inde (quæ Dominus Rex nunc certis de causis in Curiam suam coram eo, per Breve suum *de Errore corrigendo*, venire fecit, & quæ in Curia ejusdem Domini Regis coram ipso Rege restant) constat manifestè, Ac prædictus *A. B.* postea in dicta Curia Dom. Regis coram ipso rege, pro executione prædictarum centum librarum habend. eligisset sibi liberari omnia bona & catalla prædicti *C. D.* (præter boves & affros de carruca sua) necnon medietatem omnium terrar. & tenementorum ejusdem *C. D.* per rationabile pretium & extentum sibi & assignatis suis, juxta formam statut. in hujusmodi casu provis. quousq; prædictas centum libras inde plenariè levasset, Quidam tamen *R. S.* nuper vicecomes Comitatus prædicti statutum prædictum minimè ponderans, de præfato *A. B.* pro factura retorno prædicti Brevis dom. Regis de Iudicio *de Elegit*, præfato nuper vicecomiti per nomen vicecomitis de *S.* directi, ad omnia bona & catalla prædicti *C. D.* in balliva prædicti nuper vicecomitis de *S.* (præter boves & affros de carruca sua) necnon medietatem omnium terrarum & tenementorum ejusdem *C. D.* in dicto Com. ejusdem nuper vicecomitis *S.* per rationabile pretium & extentum præfat. *A. B.* liberari faciend. tenend. sibi & assignatis suis juxta formam statuti nuper in hujusmodi casu provis. Quousque idem *A. B.* prædictas centum libras inde plenariè levaverit ad sectam prædicti *A. B.* in Curia domini Regis nunc coram ipso rege, die &c. anno &c. versus præfatum *C. D.* apud *W.* prosecut. & in dicta Curia Domini Regis coram ipso Rege ad certum diem in eod. Brevi content. viz. à die &c. tunc proximè sequent. per præfatum *R.* tunc vicecomitem prædicti Comitatus *S.* nomine ipsius nuper vicecomitis apud *D.* retornat. 20. die Iunii, Anno &c. (ipso *R.* tunc vicecomite dicti Comitatus existente) quadraginta solidos apud *W.* colore officij sui vicecomitis pro retorno Brevis præd. recepit; in dicti Domini re-
judgement, &c.
 gis nunc contemptum, ac contra formam statut. prædict. & contra
supra.
 pacem, &c.

These two last Presidents may also be prosecuted by Information mutatis mutandis.

32. *An Indictment against the Bailiffe of a Landlord for exacting of the Tenant an Irish exaction called Loghtavie.*

Judgement,
Fyne, and im-
prisonment.

I Vrat. &c. quòd A. B. de C. in Com. D. **peoman**, ballivus cujusdam I. S. armigeri, die &c. anno &c. apud E. in Com. præd. viginti solid. legalis monetæ current. in hoc regno Hiberniæ, colore officij sui præd. clamando eisdem viginti solid. ei pertinere pro quadam Hibernica exactione, communiter vocat. **Loghtavie**, extorciõe, & contra legem hujus regni Hiberniæ exegit & recepit, contra pacem &c.

33. *An Indictment against a Sheriffe for dividing of one entire contract into severall plaints.*

Judgement, as
supra.

I Vratores pro Dom. Rege, &c. dicunt & præsent. quòd cum A. B. die &c. anno &c. mutuavisset & accommodasset cuidam C. D. quinque libras *sterl.* solvend. eid. A. B. cum inde requisit. fuisset. Quidam E. F. de D. in Com. prædicto Armiger nuper vic. Com. D. die &c. anno &c. in Curia sua Vicountali Com. prædict. tenta apud D. præd. pro recuperatione debiti præd. eid. A. B. in eadem curia (prædict. E. F. adtunc vic. Com. præd. existen.) scienter, subdolè, fraudulentè, & malitiosè intravit tres separales querelas versus præd. C. D. qualibet querelar. præd. continente triginta & tres solid. & quatuor denarios, sic dividendo unum integrum Contractum in diversas actiones & querelas; in deceptionem subditorum dicti Domini Regis, ac in perversionem Iustitiæ hujus Regni, & magnum præjudicium præd. C. D. ac in contempt. dicti Domini regis, & contra pacem &c.

The like Indictment may be framed against the Subsheriffe or Sheriffes Clerke, or against the Seneschall of any Court Baron mutatis mutandis.

34. *An Indictment of Extortion against a Gaoler for taking Fees for the receiving of a prisoner committed to him.*

Judgement, as
supra.

I Vratores &c. præsentant, quòd cum A. B. die &c. anno &c. per I. S. Constabularium de B. in Com. D. deliberatus fuit I. B. de C. in Com. præd. custodi Gaolæ Com. P. præd. pro suspitione cujusdam felonix per ipsum A. B. perpetrat. prædict. tamen I. B. adtunc Custos & Gardianus gaolæ præd. existens, apud K. in Com. præd. duodecim denarios *sterl.* pro receptione prædicti A. B. in gaolam præd. de præd. I. S. injustè & per viam extortionis cepit, contra formam statuti in hujusmodi casu edit. & provis. & contra pacem &c.

35. *An*

35. *An Indictment of Extortion against the Clerke of the Peace, for taking excessive Fees for enrolling an Indenture of bargain and sale.*

Iuratores pro Dom. Rege super sacramentum suum dicunt & præsentant, quòd cum in Parlamento Dom. Regis nunc Caroli apud Castrum Dublin. die Martis, viz. quarto die Novembris, Anno regni sui Angliæ, Scotiæ, Franciæ, & Hiberniæ decimo, tento, inter cætera, ordinatum, stabilitum, & inactitatum fuit, quòd Clericus pacis pro Irrotulamento alicujus Indenturæ bargainizationis & venditionis caperet pro Irrotulamento ejusdem, ubi terræ in eadem Indentura comprisatæ non excedunt annum valorem quadraginta solidor. duodecem denarios: & ubi terræ in eadem Indentura comprisatæ excedunt summam quadraginta solidor. in annuo valore, duos solidos & sex denarios: Quidam tamen I. S. de D. in Com. præd. generosus, die &c. anno &c. tunc existens Clericus pacis Com. præd. colore officij sui præd. apud D. præd. in Com. præd. pro Irrotulamento cujusdam Indenturæ de bargainizatione & venditione quarundem terrarum in Indentura præd. comprisatar. ubi terræ in eadem Indentura comprisatæ non excedunt annum valorem quadraginta solid. à quodam B. D. injustè & per viam extortionis duos solidos cepit & exegit; contra formam statuti præd. & contra pacem &c.

Judgement, as
supra.

The like Indictment may be made against a Justice of Peace for taking more then his due Fee mutat. mutatis.

36. *An Indictment of Extortion against the Clerke of the Market.*

Iurator. &c. quòd I. S. de D. in Com. præd. gen. Clericus Mercat. in & per totum Com. D. præd. die &c. anno &c. apud D. in Com. præd. in consideratione decem solid. ei solut. per I. S. de D. in Com. præd. mercatorem, voluntariè & scientè, falsò & subdolè, in magnam deceptionem quamplurimorum subditorum Domini Regis apud D. prædict. permisit præd. I. S. habere, custodire, & uti falsis mensuris & ponderibus, viz. &c. & ead. falsa pondera & mensuras cum sigillo officij sui ut bona & vera pondera & mensuras apud D. præd. die & anno præd. falsò & subdolè sigillavit; in magnum præjudicium dicti Domini Regis, & populi sui deceptionem, ac contra pacem Domini Regis &c.

Judgement, as
supra.

37. *An Indictment against a Maior, &c. for taking excessive Fees for sealing of weights and measures, upon the stat. of 7. H. 7. cap. 3.*

Judgement,
Fine of 40.s. &
imprisonment.

I Vrator. &c. quod cum in statuto H. 7. nuper Regis Angliæ edito in Parlamento suo tento apud Westm. Anno Regni sui 7. inter alia ordinat. stabilit. & enactat fuit, quod capitalis officarius cujuslibet Civitat. villæ five Burgi haberet speciale sigillum ad sigilland. quodlibet pondus & mensuram sibi adduct. sine defalta seu dilatione. Et quod caperet pro labore suo pro sigillatione cujuslibet mensuræ vocatæ a **Bushell**, unum denarium, & cujuslibet alterius mensuræ unum obulum, de quolibet Centussi unum denarium, de quolibet semicentussi unum obulum, & de quolibet alio minore pondere unum quadrant. & non amplius, sub poena forisfacturæ pro quolibet tempore quo recusaret aut faceret in contrarium 40.s. Quidam tamen A.B. de C. &c. Major & capitalis Officiarius villæ de D. in Com. prædicto statut. prædict. & poenam in eod. content. minimè curans, die &c. anno &c. apud D. præd. duos denarios pro sigillatione cujusdam mensuræ vocatæ a **Bushell** de quodam I.S. colore officij sui præd. (tunc Maior & capitalis officiar. existens) injustè & extortiosè cepit; contra formam statuti prædicti, & contra pacem &c.

38. *For Extortion by an Escheators servant, in breaking and entering into a dwelling house, and for seising and taking out of the same certaine Leather by colour of his office.*

Judgement,
Fyne, and im-
prisonment.

I Vratores pro Domino Rege præsentant &c. quod Rob. Bennet, de P. in Com. E. prædicto **peoman**, serviens & minister cujusdam B.T. Escheat. dicti dom. Reg. Com. præd. 15. die Iulij &c. apud W. in Com. præd. domum mansionalem cujusdam Ioh. M. fregit & intr. & 6. tergora corij voc. 6. **Hydes of Greene Leather**, ad valentiam 8.l. & 6. duodenas pell. vitulor. voc. 6. **Dozen of calves skins**, ad valentiam 4.l. 10.s. quæ quidem tergora & pell. ad tunc & ibidem invent. colore officij sui die & anno præd. extorsivè & injustè cepit, seisivit, & asportavit; ad grave damnum ipsius I. contra leges & ordinationes dict. dom. Regis hujus regni sui, & contra formam diversor. statutor. in hujusmodi casu edit. & provis.

39. *An Indictment of Extortion against an Escheator.*

Judgement, as
supra.

I Nquir. pro Dom. Rege si R.G. nuper de C. in Com. D. generosus die & anno &c. colore officij sui Escheatoris in Cō.D. præd. apud E. in Cō. præd. exegit & extorsivè cepit de **Griffino R.** novem modios tritici ad valentiam 23.s. 4.d. de bonis & catallis dicti **Griff.** ad perniciosum exemplum alior. malefact. ad grave damnum ipsius G. & contra formam diversorum statutor. &c. & contra pacem &c.

40. *An Indictment against one for buying Corne in the Market having sufficient store of his owne, grounded upon the statute of 8. Ed. 4. cap. 2. in Ireland.*

Iurat. &c. dicunt & præsentant, quòd *A.B.* de *C.* in Com. D. *peo-*
man, die &c. anno &c. habens sufficientem copiam & provisionem
granorum suorum propriorum apud *D.* in Com. præd. in communi
marcato ibid. emit viginti mensuras (vocatas **Barrels**) tritici de di- ^{Judgement,}
versis subditis Domini Regis; contra formam statut. in hujusmodi ^{Fyne and}
casu edit. & provis. & contra pacem &c. ^{imprisonment.}

41. *Another Indictment upon the same statute.*

Iurat. &c. dicunt & præsent. quòd *A.B.* de *C.* in Com. D. *peoman*,
die &c. anno &c. apud *D.* in Com. præd. in Communi marcato ibi-
dem vendidit viginti mensuras frumenti diversis subditis dicti do-
mini Regis, quæ quidem viginti mensuræ frumenti idem *A.B.* antea
viz. die &c. anno &c. apud *C.* in Com. &c. in communi marcato ^{Judgement, as}
ibidem de diversis subditis emerat; contra formam statut. in hujus- ^{supra.}
modi casu edit. & provis. & contra pacem &c.

42. *For forestalling the market, and buying saltfish by the way in coming to the Market.*

Iuratores &c. pro Dom. Reg. præsentant, quòd cum *R.N.* de Civi-
tate *N.* in Com. Civit. *N.* Mercator possessionatus fuit de mille
salsament. ut de suis bonis proprijs, quidam *I.T.* de Civit. *N.* præd.
Fishmonger, tertio die &c. apud *N.* præd. in Com. præd. Civit. *N.*
& diversis alijs diebus tam antea quam postea, præfat. *R.N.* tunc &
ibidem obviand. cum dictis mille salsament. venient. erga mercat.
Civit. præd. in Com. præd. ad præd. mille salsam. ibid. vendend. ipse
idem *I.T.* de præf. *R.N.* ad tunc & ibid. extra mercatum ill. salsam-
ent. præd. emit & forestellavit, per quod præd. *R.N.* præd. mille sal-
sam. ad mercat. præd. non adduxit: in contempt. Dom. Reg. ac contra ^{Judgement, as}
formam diversorum statut. in hujusmodi casu edit. & provis. ac contra ^{supra.}
pacem dicti Dom. Reg.

43. *For ingrossing of Barley growing upon the ground, to the intent to sell it againe.*

Inquiratur pro Dom. Rege si *A.B.* de *M.* in Com. &c. die & anno &c.
apud *N.* in Parochia Sancti Iohan. infra Ward. *Beristret*, in Com. Ci-
vitat. *N.* emisset totum hordeum crescens super viginti acr. terræ apud
M. in præd. Com. *N.* ad intentionem dictum hordeum revend. con-
tra formam statut. in hujusmodi casu edit. & provis. ac contra pacem ^{Judgement, as}
dicti Dom. Regis. ^{supra.}

44. *For buying and ingrossing of forty quarters of Wheat, to the intent to sell it againe.*

Judgement, as
supra.

INquiratur &c. si I. C. de &c. *Dyer*, tertio die I. anno &c. apud N. in Com. M. ac diversis alijs diebus, tam ante quam post, diversa grana viz. 40. quarterias tritici &c. ad valent. &c. emit & ingross. & in manibus suis tenuit, ea intentione ad revendendum grana prædicta; contra formam statut. in hujusmodi casu edit. & provis. in contempt. &c. ac contra pacem dicti dom. Reg. &c.

45. *For regrating of Corn in a Market.*

Judgement, as
supra.

INquit. pro &c. si W. T. de N. in præd. Com. E. & A. B. &c. i. die &c. & quamplurimis alijs diebus, antea & postea, fuerat regrat. mercat. de D. in præd. Com. E. ac diversa genera granor. ad mercat. præd. per diversos ligeos dict. dom. Reg. illuc advenientes adductorum, viz. 10. quart. frumenti ad valentiam s. l. apud D. præd. in præd. Com. E. regrataver. ad intention. quod idem frum. iterum venderent; ad grave damnum populi dict. dom. Reg. contra formam statut. in hujusmodi casu edit. et provis. et contra pacem &c.

46. *For regrating of Fish and Butter in a Market, and selling of it in the same Market.*

Judgement, as
supra.

Iur. pro Domino Rege præsentant &c. quod A. B. de C. in dict. Com. S. *Mercer*, 20. die Iulij Anno Regni Dom. Regis nunc Dei gratia, Angliæ, Franciæ, & Hiberniæ reg. fidei defensor. &c. decimo, apud C. præd. in Com. E. præd. in quodam mercat. tunc ibidem tento pro 40. solid. monetæ emit, regratavit, obtinuit, & nactus est in possession. & manus suas 10. paria piscium (Anglicè dict. *ten couples of Lings*,) & tria vasa butiri salis (Anglicè vocat. *three firkins of salt butter*) de quodam E. F. qui præd. 10. paria pisc. ac dicta tria vasa butiri ad eund. mercatum ut ea ad tunc ibid. vender. adduxisset, & quod immediate postea, scil. dicto 20. die anno suprad. idem A. B. in dicto eod. pleno mercat. tunc ibid. apud C. præd. in dicto Com. E. tento, eadem omnia dicta paria piscium, ac butiri vasa cuidam H. R. pro 50. s. legal. monetæ dicti dom. Reg. hujus regni sui illicitè vendidit; in magnum Republicæ damnum, ac contra formam statut. in hujusmodi casu provis. & edit. & contra pacem &c.

47. *An Indictment for ingrossing of Corne.*

INquiratur &c. si R. L. nuper de T. in Com. L. **yeoman**, & H. D. nuper de N. in Com. præd. **yeoman**, 20. die Iunij, anno &c. apud B. & T. in Com. præd. emerunt & regrataver. de T. S. R. R. & alijs ligeis dom. reg. 50. quarter frumenti pretij 15. l. & al. frument. & hord. in domibus mansion. suis ut regratores mercat. dict. domini Reg. accumulaver. & custodiver. ea intentione ut frument. hord. & alia grana sub suis custod. ad suum libitum exponer. & vendere potuerunt, ob quod grana in mercat. & villis Com. præd. multipliciter ^{iudgement, as} cariora & rariora forent, in grave damnum populi dom. Reg. ac con- ^{supra.} tra formam statut. in huiusmodi casu edit. & provis.

48. *For slandering of the King and Nobility.*

INquiratur pro Dom. Reg. si R. B. nuper de C. in Com. D. **yeoman**, Deum præ oculis suis non habens, sed instigatione diabolica seduct. ac ligeantiam suam erga dict. Dom. Regem nunc parvipendens, ac leges & statut. huius regni Hiberniæ minimè æstimans, nec poenam in eisdem content. aliquantulum verens, 16. die Maij, Anno Regni dicti Domini Regis nunc &c. apud M. in Com. D. præd. malitiosè ex imaginatione sua propria hæc falsa & scandalosa verba ac rumor. de dicto domino Rege & de magnatibus & proceribus huius Regni Hiberniæ subsequenter, prolocut. est, viz. **that is.** Quæ quidem omnia, quanquam falsa sint, ut vera retulit, & multa alia verba scandalosa adtunc & ibidem dixit & propalavit; contra pacem dicti Dom. Reg. nunc, coron. & dignitat. suas, & contra formam statut. inde nuper edit. & provis. ^{iudgement, Fyne, imprisonment, and bonds of the good behaviour.}

49. *An Indictment for slandering of a Iurie.*

Iur. dant Cur. intellig. Quod cum ipsi tali die & anno apud &c. infimul congregati & iuncti fuerunt ad inquirend. & interloquend. de diversis articulis & offens. super eorum sacram. pro dicto dom. Rege ibi die & anno suprad. venit quidam T. B. de S. in Com. præd. **yeoman**, ut Barrektor & pacis Dom. Reg. perturbator, & præd. Iuratores vilipendit & scandalizavit dicend. sic in Angl. verbis, **He on you false Harlots, pampered Knaves and perjured Knaves**, ac alia minatoria & contumel. verba eisd. Iurat. dixit; in magn. redargution. & vilipen. Iur. præd. ac retard. exec. cor. iurament. & contra pacem, &c. ^{iudgement, Fyne and imprisonment.}

50. *An Indictment for selling victuals at unreasonable rates grounded upon the statutes of 23. Edw. 3. cap. 6. 12. R. 2. cap. 3. & 13. R. 2. ca. 8.*

Iurator. &c. dicunt & præsentant, quòd cum in Parlamento Edwardi tertij nuper Regis Angliæ, Anno Regni sui 23. ordinatum fuit quòd macellarij, piscarij, hostellarij, brasatores, pistores, gallinarij (Anglicè **Poulterers**) ac omnes alij venditores cujuscunque generis victualium obligati forent ad vendendum eadem victualia pro rationabilibus pretijs habentes respectum ad pretium quò talia victualia vendita forent in locis adjacentibus, ita quòd iidem venditores haberent moderatum lucrum & non excessivum rationabiliter requirend. secundum distantiam loci à quo victualia prædicta asportata forent, Et si quis venderet talia victualia aliquo alio modo, & inde convictus foret modo & forma præd. solveret parti damnificatæ duplum ejusdem quòd sic recepit, vel in ejus defectu alicui alij qui in hac parte prosequi vellet; Et Maiores ac ballivi Civitatum, Burgorum, villarum mercator. & portuum maris & aliorum locorum haberent potestatem ad inquirendum de omnibus & singulis qui in contrarium fecerint, & ad levand. prædictam poenalitatem ad usum eorum ad quorum sectam tales delinquentes convicti forent, Et si prædicti Maiores & Ballivi negligentes forent in executione præmissorum & inde convicti forent coram Iusticiarijs ad hoc assignat. quòd tunc iidem Majores & Ballivi compulsi forent per eosdem Iusticiarios ad solvendum parti damnificatæ triplum rei sic venditæ, vel in ejus defectu alicui alij qui prosequi vellet, & nihilominus erga dominum Regem graviter punirentur (prout in statut. præd. plenius continetur) Quidam tamen **A.B.** de **C.** in **Com.D.** Hostellarius, statut. præd. ac poenam in eod. content. minimè curans, die &c. anno &c. ac diversis alijs diebus & vicibus apud **C.** præd. diversa victualia, viz. carnes, panem, potum, & alia victualia pro irrationabili, excessivo, & nimis caro pretio cuidam **E.F.** & diversis alijs subditis dicti domini Regis fraudulenter & deceptivè vendidit; in magnam deceptionem subditorum dicti domini Regis, & præjudicium hujus Reipublicæ, ac contra formam stat. prædicti & aliorum statut. in hujusmodi casu edit. & provis. & contra pacem &c.

Judgement,
Fine and imprisonment.

The like Indictment may be made against a Butcher, a Fishmonger, a Brewer, Baker, Poulterer, or any other seller of victuals mutatis mutandis.

51. *An Indictment against a Baker for breaking the Assize of Bread.*

Iurator. &c. dicunt & præsent. quod A.B. de C. in Com. D. Pistor, die &c. anno &c. fuit communis pistor & venditor panum venalium tam hominum quam equorum, & quod idem A.B. die & anno prædict. viginti panes venales de minus sufficienti past. & illegitimo pondere apud C. præd. in Com. præd. fecit & vendidit; contra formam statut. in hujusmodi casu provis. & edit. & contra pacem &c. Judgement,
Fine and
Imprisonment;

52. *An Indictment against a Vintner for selling of Wine and Ale by false measures, and breaking the Assize.*

Ivratores, &c. dicunt & præsentant, quod A.B. de C. in Com. D. Vintner, die &c. anno &c. assisam vini & cervisiæ nimis cara venditione & falsis mensuris eorundem apud C. præd. fregit; contra formam statut. in hujusmodi casu edit. et provis. et contra pacem &c. Judgement, as
supra.

53. *An Indictment against a Brewer for breaking the Assize of Ale.*

Ivr. &c. dicunt & præsentant, quod A.B. de C. in Com. D. Brasior, die &c. anno &c. tam inbraſione quam in nimis cara venditione cervisiæ falsis mensuris apud C. præd. assisam ejusdem fregit; contra formam statut. in hujusmodi casu edit. & provis. & contra pacem &c. Judgement, as
supra.

54. *An Indictment for keeping of false Measures, and buying of Corne by a greater measure, and selling by a lesser.*

Ivr. &c. dicunt & præsent. quod A.B. de C. in Com. D. peoman, est & per longum tempus fuit communis emptor & venditor granorum, & quod idem A.B. die &c. anno &c. apud C. præd. habuit & custodivit duas mensuras (vocat. Barrels) quarum una est major quam esse debuit, & altera est minor quam esse debuit, & diversas mensuras granorum, viz. viginti mens. per prædict. majorem mensuram die & anno prædict. à diversis subditis dicti domini Regis apud C. præd. emit, & diversas mensuras granorum diversis subdit. dicti domini Regis die, anno & loco prædict. per prædict. minorem mensuram vendidit, & sic mensuris prædictis falso & deceptivè usus fuit; in magnam deceptionem & præjudicium populi Domini Regis, & contra pacem &c. & contra formam statut. &c. Judgement, as
supra.

55. *An*

55. *An Indictment against a Merchant for buying and selling of Wooll by false weights.*

Iuratores &c. dicunt & præsentant, quòd *A.B.* de *C.* in Com. D. Mercator fuit & adhuc est communis emptor & venditor lanarum, & quòd idem *A.B.* die &c. anno &c. apud *C.* præd. habuit & custodivit falsa pondera & eisdem falsis ponderibus ad emendum & vendend. lanas apud *C.* præd. die & anno præd. falsò & deceptivè usus fuit, emendo per majora pondera & vendenda per minora pondera; in magnam deceptionem & præjudicium subditor. dicti dom. Regis, ac contra pacem &c. & contra formam statut. &c.

Judgement, as
supra.

56. *An Indictment for selling of Wine, Ale, or any other liquor within any Towne franchised by measures not sealed.*

Iurator. &c. dicunt & præsentant, quòd cum in Parlamento H.6. nuper Regis Angliæ tento apud Drogheda, Anno Regni sui 28. ordinatum fuit quòd nullus venderet vinum, cervisiam, nec aliquem alium liquorem infra aliquam Civitat. seu villam franchisat. nisi cum mensuris Regis sigillatis, viz. **the Gallon, the Bottle, the Quart, the Pint, or the halfe Pint**; Et si quis in contrarium fecerit, forisfaceret mensuras illas, & faceret finem quadraginta solidor. (prout in statut. prædict. plenius continetur) Quidam tamen *A.B.* de *C.* in Com. præd. **Inne-keeper**, stat. præd. & poenam in eodem content. parvipendens apud villam de *C.* præd. tunc existent. villam franchisat. viginti mensuras vini, viginti mensuras cervisiæ, & viginti mensuras cervisiæ lupulatae (Anglicè vocat. **Beere**) per diversas mensuras non sigillatas vendidit; contra formam statuti prædicti, & contra pacem, &c.

Judgement,
Fine of 40. s.
&c.

57. *An Indictment against a Butcher for selling corrupt or unsound meat.*

Iuratores pro Domino Rege præsentant &c. quòd *A.B.* de *C.* in Com. D. præd. macellarius, die &c. anno &c. apud *C.* præd. carnes insalubres (viz. putrid. corrupt. & ventilat.) fraudulentè, subdolè, & deceptivè venditioni exposuit; in malum exemplum & magnum periculum subditorum domini Regis nunc, & contra pacem &c.

Judgement,
Fine and
imprisonment.

The like Indictment may bee made against a Fishmonger, or any other that setteth to sale or selleth any corrupt or unwholsome Bread, Wine, Ale, Beere, or any other meat or drinke mutat. mutandis.

58. *An*

58. *An Indictment against a Cooper for making vessels of greene Timber.*

IUr. &c. quod A. B. de C. in Com. D. præd. **Cooper**, die &c. Anno &c. apud C. præd. viginti vasa (vocat. **Barrels**) pro Servitia conservand. de ligno humido & non sufficienter exsiccato, fraudulentè, subdolè, & deceptivè fecit & fabricavit, & ead. vasa adtunc & ibidem venditioni exposuit, & diversis personis vendidit; in magnam deceptionem populi, & contra pacem &c.

Judgement,
Fine and
Imprisonment.

The like Indictment may be against a Ioyner, Taylor, Shoemaker, Tanner, or any other that useth any deceit in his Trade mutatis mutandis.

59. *An Indictment for Consenage.*

IUr. &c. dicunt & præsentant, quod A. B. de C. in Com. D. prædict. **yeoman**, est persona valde mali nominis, famæ, & conversationis inhonestæ & communis deceptor & defraudator subditor. dicti domini regis, & quod ipse die &c. anno &c. apud C. præd. & diversis alijs locis & diebus infra Com. præd. quendam R. W. & multos alios fideles subditos dicti dom. Regis decepit & defraudavit; & per fraudem, astutiam & deceptionem (**Anglicè by Consenage**) diversas pecuniarum summas, tam de prædicto R. W. quam de diversis alijs dicti Domini Regis subditis perquisivit, habuit, & percepit; in pauperationem subditor. dicti domini regis, & in contemptu ejusdem Domini Regis, & in pessimum & perniciosum exemplum alior. li-geor. subditorum dicti Domini Regis in hujusmodi casu delinquentium, & contra pacem dicti Domini regis, coron. & dignit. suas.

Judgement,
Fine and im-
prisonment,
and bonds of
the good be-
haviour.

60. *An Indictment against Cheaters for playing with Cards marked with private markes to defraud one of his money.*

Civitas Dublin. **I**ultatores pro Domino Rege præsentant super sacra-mentum suum quod W. T. de parochia S. Andreae in suburbijs Civitatis Dublinæ in Com. ejusdem Civitatis **Shoemaker** & I. H. de eadem Parochia in eodem Com. **Butcher**, 4. die Januarij, Anno regni Domini nostri Caroli, Dei gratia nunc Angliæ, Scotiæ, Franciæ & Hiberniæ Regis, fidei defensor. &c. i. i. apud D. in præd. Parochia S. Andreae in Com. prædict. per covinam inter eos tunc habitam excitaverunt & procuraverunt quendam E. L. de G. in Cō. prædicto **yeoman**, ad ludend. cum præfato W. T. cum Chartis pictis (**Anglicè at Cards**) ad quendam ludum vocat. **Stew-cut**, ea inten-tione ad defraudand. eund. E. L. & diversas denariorum summas de eo falso & deceptivè extorquend. ad usum eorundem W. T. & I. H. prædictusque W. T. adtunc & ibidem cum Chartis falsis notat. cum pri-vat. signis bene notis eidem W. T. & non præfato E. L. adtunc & ibid. ludebat

Judgement, as
supra.

ludabat ad prædict. ludum, vocat. **New-cut**, cum eodem *E.L.* per quod idem *E.L.* adtunc & ibid. diversas denariorum summas attin- gen. ad quadraginta & tres libr. ster. moneta Angliæ ad ludum ill. amisit, quas quidem quadraginta & tres libr. prædict. *W.T. & I.H.* sub colore lucri falso & deceptivè adtunc & ibidem ceper. & asportaver. contra pacem dicti Domini Regis, coronam & dignitat. suas &c.

61. *An Indictment against an hostler or stabler for feeding his guests horses with corrupt and unsound hay, whereby diverse of the said horses contracted diseases, &c.*

Judgement,
Fyne and
imprisonment.

Civit. Dublin. s. **I** Vratores pro Domino Rege præsentant super sa- cramentum suum quòd *T.A. de D. in Com. D. hostler*, vicesimo die Novembris anno regni domini nostri Caroli, Dei gratia nunc Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, fidei defensor. &c. 13°. & diversis alijs diebus tam antea quàm postea apud *D. viz. in Parochia sanctæ Catherinæ in Com. Civitat. D.* custodi- vit & adhuc custodit commune stabulum pro equis ligeorum dom. Regis ad Civitatem *D. præd.* acceden. qui equos suos ibid. ponere voluissent cum fœno & pabulo depascend. & custodiend. solvend. pro- inde ratam usitat. & rationabilem, juxta morem Civitatis *D. præd.* in hac parte: in quo quidem stabulo idem *T.* diversis diebus & vicibus inter præd. vicesimum diem Novembris anno supradicto & festum natalis Domini tunc prox. sequen. dedit & posuit equis ligeorum domini Regis ad stabulum præd. adduct. & ibid. positis cum fœno & pabulo depascend. & custodiend. pro salario rationabili (ut præ- fertur) fœnum putidum, corrupt. & insalubre comedend. per quod diversi equi diversorum ligeorum domini Regis in stabulo præd. positi cum fœno & pabulo depascend. magnoperè pejorati fuer. & pro defectu suavis, salubris, & boni fœni, nonnulli eorundem equorum morbos & infirmitates contraxerunt, & inde ibidem tunc interier. in deceptionem populi domini Regis, ac ad grave damnum & commune nocument. omnium ligeorum dicti domini Regis quorum equi in eodem stabulo per tempus supradict. positi fuer. ac contra pacem dicti Domini Regis nunc, coron. & dignitat. suas. &c.

Of Omission.

1. *An Indictment against a Constable for not setting forth Hue and Cry upon the statute of Winchester.*

I Vrator. pro Domino Rege dicunt & præsentant, &c. quòd die &c. anno &c. apud *C. in Com. D.* quidam malefactores ignoti in quen- dam *I.H. gen. vi* & armis insultum fecerunt, & viginti libras in pe- cunijs

cunijs numerat. de denarijs præd. *I. H.* ibidem invent. felonice ceperunt & asportaverunt: super quo præd. *I. H.* instanter eodem die & anno præd. venit ad villam de *C.* præd. & tunc & ibidem notificavit cuidam *A. B.* de *C.* præd. **peoman** ad tunc Constabulario villæ de *C.* præd. malefactores præd. feloniam præd. modo & forma præd. fecisse & perpetrasse, ac tunc & ibidem requisivit præd. *A. B.* quod ipse hutesium & clamorem versus præd. malefactores recenter levaret & in mandatis daret Inhabitantibus villæ præd. ad prosequend. huiusmodi hutesium & clamorem, prout de jure & per legem terræ prosequi debeant; præd. tamen *A. B.* debitam executionem officij sui præd. in hac parte minimè curans, huiusmodi hutesium seu clamorem non levavit, nec Inhabitantibus villæ de *C.* præd. nec eorum alicui mandavit ad recenter prosequend. huiusmodi hutesium & clamorem, sed ad hoc faciend. tunc & ibidem totaliter recusavit & neglexit: in malum exemplum alior. subdit. in contemptum & contra pacem domini regis nunc, contra coronam & dignitatem suas, & contra formam statut. in huiusmodi casu edit. & provis.

Judgement,
Fyne and
imprisonment.

2. *An Indictment against a Constable for not punishing Rogues and sturdy beggars upon the statute of 33. H. 8. ca. 15.*

Iur. &c. dicunt & præsentant, quod cum quidam *A. B.* ætatis viginti annorum & amplius de corpore sano, valenti, potenti, atque ad laborandum habili existens, nullam autem habens terram aut ullum magistrum nec aliqua utens licita merchandiza, arte, vel misterio, unde sibi victum parare posset, die &c. anno &c. apud *C.* præd. in Com. præd. (sine aliqua licentia Iusticiar. pacis, aut eor. alicujus in hac parte) passim vagans & mendicans fuit; & quod *C. D.* de *C.* præd. in Com. præd. **peoman** ad tunc Constabularius villæ prædictæ sciens prædict. *A. B.* sic vagantem & mendicantem fuisse, ipsum non arrestavit nec punivit, prout per legem huius regni arrestare & punire debuisset; sed debitam executionem officij sui prædicti in hac parte totaliter neglexit: in malum exemplum & in contempt. Domini Regis, ac contra formam statut. in huiusmodi casu edit. & provis. & contra pacem &c.

Judgement, as
supra.

3. *An Indictment against one for relieving of a Rogue and sturdy begger upon the said statute of 33. H. 8. ca. 15.*

Iuratores &c. dicunt & præsentant, quod cum quidam *A. B.* nuper de *C.* in Com. D. præd. **Idler**, ætatis viginti annorum & amplius, de corpore sano, valenti, potenti, atque ad laborandum habili existens, nullam autem habens terram aut ullum magistrum, nec aliqua utens licita merchandiza, arte, vel misterio, unde sibi victum acquirere posset, die &c. anno &c. apud *E.* infra Baroni-
H h h h niam

Judgement,
Fine and im-
prisonment.

niam de *W.* in *Com.* prædicto & multis alijs in locis dicti Comitatus, sine aliqua licentia Iusticiar. pacis in hac parte, passim vagans & mendicans fuit, Quidam tamen *G. H.* nuper de *E.* prædict. in dicto *Com.* *peoman*, sciens præfat. *A. B.* modo & forma prædict. vagant. & mendicantem fuisse, eundem *A. B.* die &c. anno &c. in domo ipsius *G. H.* mansionali apud *E.* prædict. in *Com.* prædicto hospitatus fuit, & eidem *A. B.* tunc & ibidem panem, porum, & alia victualia voluntariè dedit: in contemptum dicti Domini Regis, ac contra formam statut. in hujusmodi casu edit. & provis. & contra pacem &c.

4. *An Indictment against a Constable for not setting out watch upon the statute of Winchester.*

Judgement, as
supra.

Iur. &c. dicunt & præsent. quòd *A. B.* nuper de *C.* in *Com. D.* prædicto fuit Constabularius villæ de *C.* prædict. à die &c. anno &c. usque ad diem &c. anno &c. & quod idem *A. B.* per totum tempus prædict. nunquam mandavit nec apunctuavit homines & inhabitantes villæ prædictæ ad custodiend. vigiliis à solis occasu usque ad solis ortum in dicta villa de *C.* in *Com.* prædicto, prout de jure & antiqua consuetudine facere debuisset; in dicti Domini regis nunc contempt. & contra pacem domini Regis &c. ac contra formam statut. in hujusmodi casu edit. & provis.

5. *An Indictment against the Inhabitants of a Towne for not keeping Watch upon the said statute.*

Judgement,
Fine upon the
Inhabitants.

Iurat. &c. dicunt & præsentant, quòd à die &c. anno &c. usque diem &c. anno supradicto *A. B.* de *C.* in *Com. D.* prædict. *peoman*, & ceteri homines & inhabitantes villæ de *C.* prædict. nullas vigiliis à solis occasu usque ad solis ortum in dicta villa de *C.* in *Com.* præd. per aliquos homines fecer. aut custodiver. prout de iure & antiqua consuetudine facere debuissent & soliti erant, licet ad hoc per *C. D.* Constabular. ejusd. villæ sæpius requisiti & mandati fuerant: in dicti domini Regis contempt. & contra formam statut. in hujusmodi casu edit. & provis. & contra pacem &c.

6. *An Indictment against a Constable for not endeavouring to part an Affray.*

Iuratores &c. quòd die &c. anno &c. apud *C.* in *Com. D.* prædict. magna affraia & perturbatio pacis facta fuit per *A. B. C. D.* & multos alios malefactores & pacis Domini Regis nunc perturbatores, & quòd *E. F.* de *C.* prædict. in *Com.* præd. *peoman*, tunc Constabularius villæ de *C.* prædict. ad tunc præsens existens non

non conatus fuit ad pacificand. prædict. affraiam & ad pacem dicti domini regis conservand. nec ad arrestand. prædictos *A. B. C. D.* & prædict. alios perturbatores pacis, sed debuit. executionem officij sui prædicti in hac parte totaliter neglexit: in magnum contempt. dicti domini regis, ac contra pacem &c. Iudgement, Fyne and imprisonment.

7. An Indictment against a Constable for not making search for idlers and suspected persons and common gamesters.

Iur. &c. dicunt & præsent. quòd cum *A. B.* de *C.* in Com. *D.* gen. à die &c. anno &c. usque diem &c. anno &c. fuit Constabul. villæ de *C.* præd. & quòd infra tempus prædict. quidam *I. S.* & *I. D.* et quamplurimi alij malefactores & personæ suspectæ ac malæ famæ & nominis & communes prævaricatores, vocat. **Common Gamesters.** nullam habentes terram nec aliquibus utentes licitis merchandizis, artibus, vel misterijs, unde ipsis victum acquirere possent, diversa cervisaria (Anglicè *Allehouses*) infra tempus præd. quamplurimis diebus & noctibus in *C.* præd. frequentaver. & in iisdem infra præd. tempus hospitati fuer. prædictus tamen *A. B.* per totum tempus prædict. nullum scrutinium aut inquisitionem in prædictis cervisarijs pro malefactoribus præd. aut alijs hujus generis malefactoribus fecit, prout de jure & antiqua consuetudine facere debuisset, sed debuit. executionem officij sui præd. in hac parte totaliter neglexit & omisit: in contempt. domini regis, & contra pacem &c. & contra formam statut. in hujusmodi casu edit. & provis. Iudgement, as supra.

8. An Indictment against a Constable for not apprehending a felon.

Iur. &c. quòd cum *A. B.* de *C.* in Com. *D.* præd. *peoman*, die &c. anno &c. apud *E.* in Com. prædict. unum equum de bonis cujusdam *I. H.* felonice cepit & abduxit, cumque etiam prædictus *I. H.* die &c. anno &c. apud *M.* in Com. præd. notitiam dedit *C. D.* de *M.* prædict. *peoman*, ad tunc Constabulario villæ de *M.* prædict. quòd prædictus *A. B.* feloniam prædictam modo & forma præd. fecisset & perpetrasset, & quòd idem *A. B.* ad tunc fuit in prædicta villa de *M.* & requisivit prædict. Constabular. ad eund. *A. B.* pro felonia prædicta arrestand. prædictus tamen *C. D.* ad tunc existens Constabularius ejusdem villæ de *M.* die &c. anno &c. apud *M.* prædict. ad arrestand. præd. *A. B.* pro felonia præd. omnino recusavit & neglexit: in contempt. dicti Domini Regis, & contra debitum officij sui prædicti, & contra pacem &c. Iudgement, as supra.

The like Indictment may be made against a Constable that shall refuse to make search for felons or Traytours, or for stolne goods mutatis mutandis.

9. *An Indictment against a Constable that refuseth to execute the warrant of a Iustice of Peace directed unto him.*

Judgement,
Fine and
Imprisonment,

IUr. &c. quòd cum A.B. miles unus Iusticiar. domini Regis nunc ad pacem in Com. D. conservand. assignat. per praeceptum suum manu sua propria signatum, datum die &c. anno &c. omnibus & singulis Constabularijs, ballivis, & alijs officiarijs dicti domini Regis Comitatus D. praedict. directum, mandavit & praecepit eisdem Constabularijs, ballivis, & officiarijs, & cuilibet eorum, quòd caperent aut eorum aliquis caperet & arrestaret corpus cujusdam C.D. ad inveniend. securitatem pacis erga dict. dominum regem & cunctum populum suum, & praecipue erga I.S. quòd quidem praeceptum postea, scil. die &c. anno &c. apud H. deliberat. fuit cuidam E.F. Constabulario Baroniae de H. praedict. ad exequend. praedictus tamen E.F. ad exequendum praecept. praedict. apud H. praedict. die & anno praed. omnino recusavit & neglexit: in contempt. dicti Domini Regis nunc, & contra debitum officij sui praedicti, & contra pacem &c.

The like Indictment may be framed against a Sheriffs Bailiffe, or any other officer mutatis mutandis.

10. *An Indictment against certaine persons for refusing to follow Hue & Cry being thereto commanded by the Constable.*

Judgement, as
supra.

IUr. &c. quòd die &c. anno &c. apud C. in Com. D. quidam malefactores ignoti in quendam I. H. generosum, vi et armis insult. fecer. & viginti libras in pecunijs numeratis de bonis praedicti I. H. ibidem inventas, à persona praedicti I. H. tunc & ibidem felonice ceper. & asportaver. super quo praedict. I. H. instanter eod. die & anno praedicto venit ad villam de C. praedict. & tunc & ibidem notitiam dedit cuidam A.B. tunc Constabulario de C. praedict. malefactores praedictos feloniam praedict. modo & forma praedict. fecisse & perpetrasse; ac tunc & ibidem requisivit praedict. A.B. quòd ipse hutesium & clamorem versus praedictos malefactores levaret; Et super hoc praedictus A.B. die & anno praed. apud C. praed. versus praefatos malefactor. hutesium & clamorem levavit, prout de jure debuit; & tunc & ibidem mandavit & appunctuavit I.S. de C. praedict. peoman, & I.D. de C. praedict. Husbandman ad hutesium & clamorem praedict. prosequend. praedicti tamen I.S. & I.D. ad hutesium & Clamor. praedict. prosequend. apud C. praedict. die & anno praedict. omnino recusaver. & totaliter neglexerunt: in contempt. dicti Domini Regis, & contra pac. &c.

11. *An Indictment against the Inhabitants of a Towne for not apprehending of Robbers, but suffering them to escape, grounded upon the statute of Winchester.*

Iur. &c. dicunt & præsent. quòd cum quidam malefactores ignoti die &c. anno &c. apud N. in Com. E. quæ quidem villa est infra Baroniam de H. vi & armis &c. in quendam C. C. insult. fecer. & cent. libras de denarijs ipsius C. ibidem invent. felonice ab eod. C. spoliaver. ceper. & asportaver. contra pacem &c. Ac idem C. quam citius potuit post feloniam & spoliationem prædict. fact. scil. die &c. anno &c. apud N. præd. per totam eandem villam hutesum & clamorem de Roberia præd. fecit, & notitiam inhabitantibus ejusdem villæ de roberia illa dedit, & post roberiam illam quadraginta dies jam præterier. ijdem tamen inhabitantes emendam de roberia prædicta fact. prædicto C. hucusque non fecer. nec corpora felonum & malefactor. prædictor. ceper. neque de corporibus eor. hucusque responderunt, sed malefactores & felones illos evadere permiserunt: Judgement, Fine upon the Inhabitantes. in dicti Domini Regis nunc contemptum, & ipsius C. grave damnum, ac contra formam statut. in hujusmodi casu edit. & provis.

12. *An Indictment against divers for refusing to assist the Constable to apprehend a felon.*

Iurat. &c. dicunt & præsentant, quòd cum quidam A. B. apud C. in Com. D. vi et armis &c. unum equum pretij quinque librarum de bonis cujusdam I. S. felonice cepit & abduxit, cumque etiam E. F. Constabularius villæ de C. præd. die &c. anno &c. apud C. præd. mandavit & requisivit G. H. de C. præd. & I. K. de C. præd. **Husbandmen** ad auxiliand. ipsum E. F. ad tunc Constabular. de C. prædict. prædictum A. B. pro feloniam prædicta arrestand. prædicti tamen G. H. & I. K. die et anno prædict. apud C. prædict. ad hoc faciend. omnino recusaver. & quilibet eorum recusavit, & nullum auxilium dederunt nec eorum aliquis dedit eidem Constabulario ad arrestand. prædictum A. B. pro feloniam prædict. in contempt. Dom. regis nunc, & contra ligeant. suar. debit. & contra pacem &c. Judgement, Fine and imprisonment.

The like Indictment may be made for refusing to assist a Constable to convey prisoners to the Gaole, or to bring them before a Justice of Peace, or to make search for suspected persons mutatis mutandis.

13. *An Indictment against the Constable and Inhabitants of a Towne for suffering idle persons to beg and wander &c. without punishment upon the statute of 33. H.8. ca.15.*

Judgement,
Fine of 6.s.8 d.
upon the Inhabitants.

I Ur. &c. dicunt & præsentant, quòd cum quidam *A.B.* ætatis viginti annorum & amplius, de corpore sano, valenti, potenti, atque ad laborand. habili existens, nullam autem habens terram aut ullum magistrum, nec aliqua utens licita merchandiza, arte, vel misterio, unde sibi victum acquirere posset, die &c. anno &c. apud C. in Com. D. prædict. sine aliqua licentia Iusticiariorum pacis aut eorum alicujus in hac parte, passim vagans & mendicans fuit. Et quòd Constabularius & inhabitantes villæ prædictæ scient. prædict. *A.B.* sic vagant. & mendicant. fuisse, ipsum non arrestaver. nec puniver. sed ipsum sic vagare & mendicare in & per totam villam prædictam voluntariè, die & anno prædict. permiserunt: in contemptum dicti Domini Regis, & contra formam statut. in hujusmodi casu edit. & provis. & contra pacem. &c.

14. *Another Indictment upon the statute of 33. H.8. cap.15. against the Constable and Inhabitants of a Towne for suffering an Impotent begger to begge without a licence.*

Judgement,
Fine of 1.s.4 d.
upon the inhabitants.

I Vrat. &c. dicunt & præsent. quòd *A.B.* ætatis sexaginta annor. et amplius, de corpore impotenti & ad laborand. inhabili existens, die &c. anno &c. apud C. in Com. D. prædict. sine aliqua licentia Iusticiarior. pacis aut eorum alicujus in hac parte, passim vagans et mendicans fuit. Et quòd Constabularius & inhabitantes villæ prædictæ scientes prædict. *A.B.* sic vagant. & mendicant. fuisse, ipsum non arrestaver. nec puniver. sed ipsum sic vagare & mendicare in & per totam villam prædict. die et anno prædict. voluntariè permiserunt: in contempt. dicti Domini Reg. & contra formam statut. in hujusmodi casu edit. & provis. & contra pacem &c.

15. *An Indictment for not working upon the high wayes, grounded upon the statute of 11. Jacobi cap. 7.*

I Ur. &c. quòd ubi die martis in septimana Paschæ jam ult. præterit. scil. die &c. anno &c. *A.B.* tunc Constabularius villæ de D. in dicto Comitatu, & *D.E.* & *E.F.* tunc Guardiani Ecclesiæ parochialis de D. prædict. in Com. prædict. existentes, vocatis ad se multis alijs parochianis dictæ parochiæ, tunc & ibidem eliger. quosdam *I.S.* & *R.N.* duas honestas ejusdem parochiæ personas in Supervisores pro uno anno integro tunc proximè sequenti pro emendatione & reparatione altar. regiar. viar. infra dictam parochiam de D. ducendum à villis mercatorijs ad villas mercatorias. Ac etiam tunc & ibidem

ibidem nominaverunt & apunctuaver. sex dies, viz. 1. 2. 3. 4. 5. & sextum dies mensis Maij tunc proximè sequentis pro dicta emendatione dictar. viar. & nominatim pro emendatione illius viæ regiæ ibidem quæ est inter &c. atque de eisdem sex diebus sic per eos ut præfertur nominatis dederunt publicam notitiam postea, scilicet, die dominico dictam Pascham tunc proximè sequenti, in dicta Ecclesia parochiali: Quidam tamen T.W. tunc & adhuc Parochianus de D. præd. in Com. præd. existens, ac tunc habens & occupans in dicta Parochia de D. in Com. præd. unam integram carucatam terræ arrabilis (Anglicè dict. **a plovland**) nullum in dictis primo secundo & quarto diebus dicti mensis Maij anno supradicto prorsus invenit aut misit currum instructum (Anglicè dict. **a wayne or Cart furnished**) equis, bobus, aut alijs animalibus & necessarijs secundum morem patriæ ibidem, nec ullos habiles homines erga emendationem & reparationem dictar. viar. aut ear. alicujus sive alicujus inde parcellæ, sed inde tunc & ibidem voluntariè fecit defaultam: in dicti Dom. regis contemptum, ac contra formam statut. in hujusmodi casu edit. & provis.

Judgement,
Fine 20s. for
every default.

16. *An Indictment against a Township for not having Stocks.*

IVr. &c. dicunt & præsentant, quòd infra villam de C. in Com. D. per spatium unius anni ultimò præteriti non fuit nec adhuc est aliquis cippus (Anglicè **a paire of Stocks**) ad puniend. malefactor. & pacis domini Regis perturbatores, prout de jure & antiqua consuetudine esse debuit & debet: contra pacem &c.

Judgement,
Fine upon the
Inhabitants.

17. *An Indictment against a Township for not having a Common Pound.*

IVr. &c. dicunt & præsent. quòd infra villam de C. in Com. D. per spatium unius anni ultimò præteriti non fuit nec adhuc est aliquis communis parcus (Anglicè **a common Pound**) ad impareand. cattalla capta per viam distractionis, prout de jure & antiqua consuetudine esse debuit & debet: contra pacem &c.

Judgement, as
supra.

18. *An Indictment against a servant for taking more wages then the Rates set downe by the Iustices of peace upon the statute 28. H. 8. cap. 9.*

IUr. &c. dicunt & præsent. quòd cum A.B. de C. in Com. D. **Husbandman**, die &c. anno &c. retentus fuisset ad serviend. E. F. de G. in Com. præd. in officio Aratoris (Anglicè **a plough-holder**) per spatium unius anni, Idem A.B. apud C. prædict. die &c. anno &c. pro salario suo ejusdem anni cepit de prædicto E.F. quatuor libras legalis monetæ Angliæ, ubi recipere debuit nisi tres libras secundum

13. *An Indictment against the Constable and Inhabitants of a Towne for suffering idle persons to beg and wander &c. without punishment upon the statute of 33. H.8. ca.15.*

Judgement,
Fine of 6.s.8 d.
upon the Inhab-
itants.

IUr. &c. dicunt & præsentant, quòd cum quidam *A.B.* ætatis viginti annorum & amplius, de corpore sano, valenti, potenti, atque ad laborand. habili existens, nullam autem habens terram aut ul- lum magistrum, nec aliqua utens licita merchandiza, arte, vel mi- sterio, unde sibi victum acquirere posset, die &c. anno &c. apud C. in Com. D. prædict. sine aliqua licentia Iusticiariorum pacis aut eo- rum alicujus in hac parte, passim vagans & mendicans fuit. Et quòd Constabularius & inhabitantes villæ prædictæ scient. prædict. *A.B.* sic vagant. & mendicant. fuisse, ipsum non arrestaver. nec puniver. sed ipsum sic vagare & mendicare in & per totam villam prædictam voluntariè, die & anno prædict. permiserunt: in contemptum dicti Domini Regis, & contra formam statut. in hujusmodi casu edit. & provis. & contra pacem. &c.

14. *Another Indictment upon the statute of 33. H.8. cap.15. against the Constable and Inhabitants of a Towne for suffering an Impotent begger to begge without a licence.*

Judgement,
Fine of 3.s.4 d.
upon the in-
habitants.

IVrat. &c. dicunt & præsent. quòd *A.B.* ætatis sexaginta annor. et amplius, de corpore impotenti & ad laborand. inhabili existens, die &c. anno &c. apud C. in Com. D. prædict. sine aliqua licentia Iusticiarior. pacis aut eorum alicujus in hac parte, passim vagans et mendicans fuit. Et quòd Constabularius & inhabitantes villæ præ- dictæ scientes prædict. *A.B.* sic vagant. & mendicant. fuisse, ipsum non arrestaver. nec puniver. sed ipsum sic vagare & mendicare in & per totam villam prædict. die et anno prædict. voluntariè permise- runt: in contempt. dicti Domini Reg. & contra formam statut. in hujusmodi casu edit. & provis. & contra pacem &c.

15. *An Indictment for not working upon the high wayes, grounded upon the statute of 11. Jacobi cap. 7.*

IUr. &c. quòd ubi die martis in septimana Paschæ jam ult. præterit. scil. die &c. anno &c. *A.B.* tunc Constabularius villæ de D. in dicto Comitatu, & *D.E.* & *E.F.* tunc Guardiani Ecclesiæ parochia- lis de D. prædict. in Com. prædict. existentes, vocatis ad se multis alijs parochianis dictæ parochiæ, tunc & ibidem eliger. quosdam *I.S.* & *R.N.* duas honestas ejusdem parochiæ personas in Superviso- res pro uno anno integro tunc proximè sequenti pro emendatione & reparatione altar. regiar. viar. infra dictam parochiam de D. ducen- tium à villis mercatorijs ad villas mercatorias. Ac etiam tunc & ibidem

ibidem nominaverunt & apunctuaver. sex dies, viz. 1. 2. 3. 4. 5. & sextum dies mensis Maij tunc proximè sequentis pro dicta emendatione dictar. viar. & nominatim pro emendatione illius viæ regię ibidem quæ est inter &c. atque de eisdem sex diebus sic per eos ut præfertur nominatis dederunt publicam notitiam postea, scilicet, die dominico dictam Pascham tunc proximè sequenti, in dicta Ecclesia parochiali: Quidam tamen T.W. tunc & adhuc Parochianus de D. præd. in Com. præd. existens, ac tunc habens & occupans in dicta Parochia de D. in Com. præd. unam integram carucatam terræ arrabilis (Anglicè dict. **a plowland**) nullum in dictis primo secundo & quarto diebus dicti mensis Maij anno supradicti prorsus invenit aut misit currum instructum (Anglicè dict. **a wayne or Cart furnished**) equis, bobus, aut alijs animalibus & necessarijs secundum morem patriæ ibidem, nec ullos habiles homines erga emendationem & reparationem dictar. viar. aut ear. alicujus sive alicujus inde parcellæ, sed inde tunc & ibidem voluntariè fecit defaltam: in dicti Dom. regis contemptum, ac contra formam statut. in hujusmodi casu edit. & provis.

Judgement,
Fine 20s. for
every default.

16. *An Indictment against a Township for not having Stocks.*

IVr. &c. dicunt & præsentant, quòd infra villam de C. in Com. D. per spatium unius anni ultimò præteriti non fuit nec adhuc est aliquis cippus (Anglicè **a paire of Stocks**) ad puniend. malefactor. & pacis domini Regis perturbatores, prout de jure & antiqua consuetudine esse debuit & debet: contra pacem &c.

Judgement,
Fine upon the
Inhabitants.

17. *An Indictment against a Township for not having a Common Pound.*

IVr. &c. dicunt & præsent. quòd infra villam de C. in Com. D. per spatium unius anni ultimò præteriti non fuit nec adhuc est aliquis communis parvus (Anglicè **a common Pound**) ad impareand. cattalla capta per viam distractionis, prout de jure & antiqua consuetudine esse debuit & debet: contra pacem &c.

Judgement, as
supra.

18. *An Indictment against a servant for taking more wages then the Rates set downe by the Iustices of peace upon the statute 28. H. 8. cap. 9.*

IUr. &c. dicunt & præsent. quòd cum A.B. de C. in Com. D. Husbandman, die &c. anno &c. retentus fuisset ad serviend. E. F. de G. in Com. præd. in officio Aratoris (Anglicè **a plough holder**) per spatium unius anni, Idem A.B. apud C. prædict. die &c. anno &c. pro salario suo ejusdem anni cepit de prædicto E.F. quatuor libras legalis monetæ Angliæ, ubi recipere debuit nisi tres libras secundum

Judgement,
to be fined so
much as was
taken about
the rate, and
imprisonment
during pleas
sure.

cundum ratam per Iusticiarios dicti Domini Regis in generali Sessione pacis tenta apud K. in Com. prædict. die &c. anno &c. ap-
punctuat. & proclamata: in contemptum dicti Domini Regis, &
contra formam statut. in huiusmodi casu edit. & provis. & contra
pacem &c.

The like Indictment may be made against any other servant, Labourer, or Artificer, mutatis mutandis.

19. *A Presentment for a Common Bridge that is in dangerous decay.*

Judgement,
Fine upon the
body of the
County, if not
done by a day
limited, and a
Distringas to
the Sheriffe to
distraine them
so do it.

Iuratores pro Domino Rege præsentant, quod pons publicus situs
in alta regia via super flumen de L. infra Parochiam de A. (vul-
gariter dict. **the bridge of Bathmoze**) est, & per aliquot annos jam
proximè elapsos fuit, valde ruinosus & in maximo decasu ob defe-
ctum reparationis; adeo ut subditi dicti domini Regis in, super,
trans, vel ultra dict. pontem per se vel cum eorum equis, bigis,
aut cariagijs ire, redire, aut transire sine magno vitæ discrimine
non audent aut possunt: ad commune nocumentum omnium vici-
nor. & compatriator. in dict. Comitatu habitantium quorum in-
terest ratione negotiorum suorum illac transire. Et ulterius, quod
prorsus nescitur quæ personæ, quæve terræ, tenementa, aut cor-
pora corporata & politica eundem pontem aut aliquam inde par-
cellam ex jure aut ex antiqua consuetudine reficere & reparare
debent aut consueverunt.

20. *An Indictment against the Constable and Church-wardens,
for not chusing Overseers for the high-ways, upon
the statute of 11. Jacobi ca. 7.*

Judgement,
Fyne and
Imprisonment,

Iur. &c. dicunt & præsentant, quod cum A.B. de C. in Com. D.
Peoman, diebus Martis & Mercurij in septimana Paschæ jam ul-
timo præteritæ, scil. die &c. anno &c. fuit & adhuc est Constabu-
larius villæ de B. in Com. prædicto, cumque etiam D.E. & E.F.
prædictis diebus Martis & mercurij in prædicta septimana Paschæ
fuer. & nunc existunt Gardiani Ecclesiæ Parochialis de C. prædict.
in Com. prædict. non nominaver. nec eliger. aliquas honestas per-
sonas Parochiæ de C. prædict. in supervisores pro uno anno integro
tunc proximè sequenti, pro emendatione & reparatione altar. regiar.
viar. infra dictam parochiam ducentium à villis mercatorijs ad villas
mercatorias, sed ad hoc faciend. totaliter neglexer. & omiserunt: in
contemptu dicti Domini Regis, ac contra formam statut. in huiusmo-
di casu edit. & provis. & contra pacem, &c.

21. *An Indictment against Surveyors of the high-ways for refusing to exercise that office upon the statute of 11. Jac. ca. 7.*

I Vr. &c. quòd ubi die Martis in septimana Paschæ jam ultimò præteritæ, scil. die &c. anno &c. A.B. tunc Constabularius villæ de D. in dicto Com. & D. E. & E. F. tunc Gardiani Ecclesiæ parochialis de D. prædict. in Com. præd. existentes (vocatis ad se multis alijs parochianis dictæ parochiæ) tunc & ibidem eliger. quosdam I. S. et R. N. de D. prædict. in Com. prædict. **peomen**, tunc existentes parochianos parochiæ prædictæ in supervisores pro uno anno integro tunc proximè sequenti, pro emendatione & reparatione altar. regiar. viar. infra dictam parochiam ducentium à villis mercatorijs ad villas mercatorias: prædicti tamen I. S. & R. N. ad officium prædict. secundum electionem prædictam exercend. recusaver. & execution. ejusdem totaliter neglexerunt et omiserunt: in contempt. dicti domini Regis, ac contra formam statut. in hujusmodi casu edit. et provis.

Judgement,
Fyne of 10. l. 2
yeere.

22. *An Indictment against a Gaoler for refusing to receive a Prisoner committed unto him, grounded upon the statute of 4. Edw. cap. 10.*

I Vr. &c. dicunt et præsentant, quòd cum A.B. die &c. anno &c. apud K. in Com. D. per warrant. I. S. armigeri unius Iustic. dict. dom. Regis nunc ad pacem in Com. prædict. conservand. assignat. commissus fuit custodi gaolæ Comit. prædicti pro suspitione cujusdam felonix per ipsum A. B. perpetrat. Quidam tamen C. D. de K. in Com. præd. **peoman**, ad tunc Custos & Guardianus Gaolæ præd. existens, apud K. præd. eundem A. B. in gaolam prædictam recipere omnino recusavit, & ipsum recipere noluit: in contempt. dicti Domini Regis, ac contra formam statut. in hujusmodi casu edit. & provis. & contra pacem &c.

Judgement,
Fyne & Imprisonment.

23. *An Indictment and whole Record of not repairing a high way.*

I Vr. &c. dicunt & præsentant, quòd pars regiæ viæ in parochia de S. in Com. præd. continen. in longitudine quatuor virgat. & in latitudine duas virgatas, primo die Martij, anno regni dom. regis nunc decimo, fuit, & adhuc est valdè nociva & in decasu ob defectum reparationis & emendationis ejusdem, sic quòd ligei dicti Dom. regis qui per viam ill. laborare & trāsire solebāt, sine magno periculo mortis transire nunc non possunt: ad grave & cōmune nocument. omnium ligo. & subditor. dict. dom. regis per viam ill. laborantium & transcuntium; & quòd R. B. de S. præd. **Collier** debet reparare & emendare viam prædictam, quoties & quando necesse fuerit, ratione tenuræ terrar. &c.

tenementor. suor. ibid. propè adjacen. &c. Per quod præceptum fuit vic. quòd non omitt. &c. quin venire faceret eum ad respondend. &c. Et modo, scil. die veneris proxim. post Crastin. Sancti Martini isto eod. Terminò coram dom. rege apud **the Kings Courts Dublin**, ven. prædict. R.B. in propria persona sua, & habito auditu præsentamenti prædicti dicit, quòd ipse non potest dedicere quin dicta pars regie viæ præd. in prædicta parochia de S. in Com. prædicto continen. in longitudine quatuor virgat. & in latitudine duas virgat. fuit valde nociva & in decasu ob defect. reparationis & emendationis ejusd. sic quòd ligei dicti dom. regis qui per viam illam laborare & transire solebant, sine magno periculo mortis, transire non potuer. ad grave & commune nocument. omnium ligo. & subditor. dicti dom. Regis per viam ill. laborantium & transeuntium; & quòd ipse idem R.B. debet reparare & emendare viam præd. quoties & quando necesse fuerit, ratione tenuræ terrarum & tenementorum suor. ibid. propè adjacen. &c. modo & forma prout per præsentament. præd. superius vers. eum supponitur, & pro non reparatione & emendatione dictæ partis regie viæ præd. pon. se inde in misericordiam dom. regis. Ideo præcept. est vic. quòd non omitt. quin distring. eum per omnes terr. &c. Et quòd de exit. &c. Ita quòd ipse ex sumptibus, custagijs & expensis suis proprijs præd. partem regie viæ præd. reparet & emendet, si prius per ipsum reparata & emendata non fuerit, & qualiter &c. constare fac. dom. reg. à die Sancti Martini in 15. dies ubicunque &c. Et ad audiend. judicium &c. Idem dies dat. est præfat. R. &c. Ad quam quidem 15. Martini coram Dom. Rege apud **the Kings Courts** præd. N.M. vic. Cō. præd. dom. Reg. certificavit quòd præd. pars regie viæ supradictæ ex sumptibus, custagijs & expensis præd. R.B. proprijs, bene & sufficienter emendata & reparata fuit, & sic adhuc existit. Super quo visis & per Curiam hic intellectis omnibus & singulis præmissis, Conf. est, quòd prædict. R.B. eat inde sine die &c.

Judgement
appearth in
the Record.

24. *An Indictment for not repairing the pavement of a high way.*

Iur. &c. præsent. quòd pars regie viæ apud S. in Com. præd. in longitudine viginti perticarum & latitudine viginti pedum jacen. & existen. ex opposito certis terris sive tenementis cujusdam I.S. de S. præd. **peoman**, ibid. est ruinosà pro defectu reparationis pavimenti ibid. ad grave & cōmune nocument. populi Dō. reg. & quòd præd. I.S. ratione tenuræ terrarū præd. debet facere & reparare præd. pavement. ex suis proprijs expens. & juxta formam statut. &c.

Judgement,
Fine and im-
prisonment.

25. *An Indictment against one for not keeping open a common Sewer.*

Iur. præsent. pro dom. rege, quòd A.B. de C. in Cō. D. armiger, & omnes alij quorū statū ipse habet in manerio de C. in Cō. præd. quen-
dam cursum aquæ de le **cōmon Sewer**, apud C. præd. in Cō. præd. à tēpore cujus cōtrarij memoria hominum nō existit, mundare, escurare, & patefacere debuer. & consueverunt, ita quòd aqua in eundem cadens &c.

& currens potuisset & solebat à tēpore prædicto habere cursum suum à terr. præd. A.B. in C. præd. usque ad terram C.D. in C. præd. & abinde usque ad Rivum de L. & quod nunc pro defectu mundationis & escurationis hujusmodi aqua in eundem cursum cadens & currens non potest fluere neque refluxere, sed in tempore pluviali regiam viam ibid. sæpe superfluit pro defectu mundationis & escurationis ejusd. ad grave & commune nocument. populi Domini Regis, &c.

Judgement,
Fyne & Impri-
sonment, and a
Districat to
the Sheriffe as
in the 23. supra.

26. *An Indictment against a Towneship for not repairing a ruinous and broken Bridge.*

Iurat. præsent. &c. quod communis pons apud S. in Com. D. adeo ruinosus & confractus existit pro defectu reparationis ejusd. pontis quod homines per præd. pontem itinerantes absque magno periculo non possunt itinerare, ad grave & commune nocument. populi domini Regis: Et quod A.B. de C. in Com. præd. armiger & cæteri inhabitantes villæ ejusdem debent & solent reparare, sustentare, & manutenere præd. pontem ex suis proprijs cultagijs & expensis.

Judgement,
Fine upon the
Inhabitants,
and Districat
in supra.

27. *An Indictment of Nuisance.*

Iuratores pro Dom. Rege præsentant, quod est quoddam fossatum apud M. in quadam venella vocat. B. continen. in longitudine centū perticas pro defectu escurationis & mundationis, fimo, terra, sabulo, & alijs sordibus taliter obstupatum & adimpletum, quod aqua ibid. decurrens, quæ in fossatum illud de scendere & decurrere solebat, superundat venellam prædict. ad grave nocument. totius populi dom. Regis per viam illam transire, equitare, fugare, seu carriare volentes: quod quidem fossatum W.B. ratione tenuræ suæ ex utraque parte venellæ prædictæ adjacentis, reparare, mundare, & escurrare debet & tenetur, quod non fecit: in contemptum dicti dom. Regis, & contra formam statut. in hujusmodi casu edit. & provis.

Judgement,
Fyne 20. l. and
imprisonment.

28. *An Indictment upon the statute of Anno 13. Ed. 1. against the Inhabitants of a Towne for not taking of such persons which had robbed one of a 100 l. the party robbed making Hay and Cry, and giving notice to the Inhabitants of the Towne of the Robberie, wherein the statute is recited.*

Iur. &c. præsentant, quod cum in statuto in Parlamento dom. Edw. nuper Regis Angliæ primi, progenitoris dom. Regis nunc, apud Winton. anno regni sui 13. tento, edito, inter cætera ordinat. fit, pro eo quod de die in diem roberia, homicidia, incendia domorum, & latrocinia plus solito tunc fiebant quam antea solebant, & felones non potuissent esse attincti per sacrament. Iurat. qui magis voluntariè permittebant felonias fieri gentibus extraneis, & felones evadere absque poena, quam malefactor. indictari, ubi major pars fuerunt gentes de eadem patria, vel ad minus, si malefactor. fuerunt de alia patria, eorum receptores fuerunt de vicinetu ubi hujusmodi malefacta fiebant; &

hoc faciebant, pro eo quod sacramenta eisdem Iurator. non ministrabantur, nec in patriam ubi feloniam illam fiebant, & quoad restitutionem damnorum, poena ante nunc non fuit provis. pro concealamēt. & negligentia suis. Idem nuper Rex ad huiusmodi felonias pro posse debilitand. & decrescend stabilivit poenam in illo casu, ita quod exinde magis pro timore poenae quam pro pavore sacram. nullis felonibus extunc parcerent, nec aliquis felonias extunc concelar. & quod proclam. fierent in omnibus Com. hundred. mercat. feriis, & omnibus alijs locis ubi multitudo gentium foret assemblata, sic quod nulli per ignorantiam se se possent excusare, & quod quaelibet patria extunc sic possit custodiri, quod instanter post roberias & felonias factas, recens insecutio fieret de villa in villam, de patria in patriam, & etiam inquisitiones fierent si necesse foret, in villis per ipsum qui domin. vel superior esset in villa, & postea in hundred. & franchesia, & in Com. & aliquando in duobus, tribus, vel quatuor Com. in casu quando feloniam facta fuer. in Marchijs & confinijs Com. ita quod malefact. potuissent esse attincti. Et si patria de corporibus huiusmodi malefact. non responderet, poena talis esset, quod quaelibet patria, scil. homines in patria comorantes, responderent de roberijs fact. & damnis, sic quod totum hundred. ubi roberia fact. fuit, cum franchesijs, quae essent infra praecinct. ejusdem hundred. responderet de roberijs factis. Et si roberia foret in divis. duor. hundredor. in eod. casu responderent inde ambo hundreda, simul cum franchises. quae forent infra praecinct. hundred. praed. & longioris temporis spatium non haberet patria post roberiam & felon. factas, quam xl. dier. infra quos faceret emend. de roberia vel de malefact. vel responderet de corporibus malefactor. prout in statuto praed. plenius continetur; Ac cum quidam malefact. ignoti tertio die M. anno &c. apud N. in Com. E. praed. quae quidem villa est infra hundred. de H. vi & armis, viz. gladijs, baculis & cultellis, in quendam O. C. insultum fecerunt, & cent. libr. de denarijs ipsius O. ibid. invent. felonice ab eod. O. spoliaver. ceper. & asportaver. contra pacem &c. (*ut alibi*) ac idem O. quam citius potuit post feloniam & spoliation. praedict. factas, scil. quarto die M. anno &c. supradict. apud N. praed. per totam eand. vill. hutesum & clamorem de roberia praed. fecit, & notitiam inhabitantibus ejusd. villae de roberia illa dedit, & post roberiam xl. dies jam praeterierunt, iidem tamen inhabitantes emend. de roberia praed. fact. O. hucusque non fecerunt, nec corpora felonum & malefact. praedictorum ceperunt, neque de corporibus eor. hucusque responder. sed malefact. & felon. illos evadere permiserunt in dict. dom. Regis nunc contempt. & ipsius O. grave damnum, & contra formam statut. praedict. &c.

Judgement,
Fire upon the
Inhabitants.

29. *An Indictment for not coming to the Church, upon the statute of Anno 2. Eliz.*

I Ur. pro Domino Rege presentant, quod cum per statut. in Parlia-
mento Domine Eliz. nuper Regine &c. anno regni sui secundo,
tento apud Dublin. in Com. Dublin. inter alia inactat. & ordin. ex-
istit, quod post festum S. Ioh. Bapt. anno regni dictae Domine Regi-
nae secundo, omnis & omnimod. persona & personae inhabitant. in hoc
regno Hiberniae diligenter & fideliter (habentes nullam legalem seu
rationabilem excusationem abessendi) niterentur semetipsos adire
ad suam Parochial. Eccl. vel capellam consuet. vel super rationabil.
impediment. ad aliquem usitat. locum, ubi communes preces
& divina servitia dici utent. tempore talis impedimenti, super quem-
libet diem dominicum & alijs diebus ordinat. & usitat. observari, du-
rante tempor. comunium precat. praedication. aut alior. divinor. ser-
vitor. utend. & ministrand. sub poena punitionis per censuras Eccle-
siae & etiam sub poena quod quaelibet persona sic offendens forissat
pro qualibet tali offensa 12. denar. levand. per guardianos Eccles. Pa-
rochial. ubi talis offensa foret facta, ad usum pauperum inhabitant.
ejusd. Parochiae, de bonis, terr. & tenementis talis offendentis, prout
in statut. praed. continetur; Cumque T. R. de D. in Com. praed. ar. & A.
uxor ejus existen. de Parochia Eccles. parochialis de D. praed. infra
quam quidem Eccles. communes preces & alia divina servitia in
statuto praed. specificata post praed. festum Nativitatis S. Iohann.
Baptistae anno secundo supradicto, scil. Dominica prox. post festum
S. Mich. Archangeli, Anno regni &c. & 12. diebus dominicis tunc
proxim. sequen. & octo alijs diebus festivalibus easd. dies dominicas
intervenient. dicebantur & utebant. praed. T. & A. non habentes le-
galem seu rationabil. excusation. seu impediment. abessendi ab Ec-
cles. praedicta in diebus praed. tempore praed. comunium precatio-
on. & divinor. servitor. ibid. tunc dict. habit. & ministrat. non solum
non nitebantur semetipsos adire ad Ecclesiam praed. existen. eor Ec-
cles. consuet. in praed. die Dominica proxim. post festum S. Mich.
Archangeli, Anno regni &c. superdict. & praed. alijs diebus Domini-
cis tunc prox. sequen. & praed. alijs octo diebus festivalibus easd.
dies Dominicas intervenient. tempore praed. comunium precatio-
& divinor. servitor. ibid. in diebus illis dict. habit. & ministrat. sed et-
iam odentes & contemnentes Euang. & salubre Dei Verbum, & di-
ctum dom. reg. & leges suas, seipsos voluntarie absentaver. & uterque
eor. voluntarie seipsum absentavit ab eadem Ecclesia praed. die do-
minica prox. post festum Sancti Mich. Arch. anno &c. suprad. & praed.
alijs duodecim diebus dominicis tunc prox. sequen. & praed. alijs octo
diebus festivalibus easdem duodecim dies dominicas intervenient.
tempore praed. comunium precatio. & divinor. servitor. ibid. in
diebus illis dict. habit. & ministrat. contra pac. & in contempt. dicti dom.
Reg. nunc & legum suar. contra coron. & dignit. suas, ac contra formam
statut. praed. & in perniciosum exemplum alior. malefact.

Judgement,
Fine 12. d. for
every default.

Other

Other Abuses.

1. *An Indictment against an householder for not living after the English manner upon the statute of 28. H. 8. ca. 15.*

Judgement,
against a Lord
is to be fined in
5. l. 6 s. 8 d.
against a
Knight or E-
squire 40 s. as
against a gentle-
man or Mer-
chant 20 s.
against every
Freeholder &
yeoman 16 s.
against every
husbandman
6 s. 8 d. and
against every
other person
3 s. 4 d.

IUr. & c. præsent. quòd A. B. de C. in Com. D. gen. per spatium uni-
us anni ultimò præteriti fuit & adhuc est paterfamilias & per totum
tempus præd. habuit & custodivit & adhuc habet & custodit domũ
& familiam in prædicta villa de C. in Com. præd. & quòd idem A. B.
per spatium temporis prædicti nunquam usus fuit, nec secundum pos-
se, scientiam, & habilitat. suam custodivit nec adhuc custodit seu
utitur domo & familia suis præd. secund. Anglican. ordinem, con-
ditionem, aut morem, sed spretis omnibus ordinibus, conditionibus
& moribus Anglicanis, domum & familiam suas præd. per totum tẽ-
pus præd. secundum barbarum & incivilem ordinem, conditionem,
& morem Hibernicum custodivit & modo custodit: in manifest.
contemptum Domini Regis nunc, & contra formam statuti in hu-
jusmodi casu editi & provisi.

2. *An Indictment for not commonly using to speake the English Language upon the said Statute of 28. of H. 8. cap. 15.*

IUr. & c. præsent. quòd cum A. B. de C. in Com. D. gen. per spa-
tium unius anni ultimè præteriti & amplius bene intellexit & loqui
potuisset ac modo intelligit & loqui potest linguam Anglicanam,
idem tamen A. B. spernens prædictam linguam Anglicanam, per to-
tum tempus prædict. nec inter liberos & famulos suos in domo sua
mansionali apud C. præd. nec alibi communiter usus aut locutus
fuit linguam Anglicanam prædict. nec conatus fuit ad faciend. &
procurand. C. B. & D. B. liberos suos ad loquend. linguam Angli-
can. sed ad hoc faciend. per totum tempus præd. totaliter neglexit &
negligit; in malum exemplum & dicti domini Regis contempt.
manifestum, & contra formam statuti in hujusmodi casu edit. & provis.

Judgement, as
supra.

3. *An Indictment for wearing Irish Apparell upon the said sta-
tute of 28. H. 8. cap. 15.*

IUr. & c. præsent. quòd A. B. de C. in Com. D. gen. per spatium
unius anni ultimò præteriti (non eundo, equitando, vel manendo in
aliquo hostingo, Anglicè **Hosting**, itinere sive roda, Anglicè **Rode**,
nec prosequendo aliquod hutesium sive clamorem) induit & usus fuit
& adhuc utitur & induit mantellum Hibernicum, & tunicam & pileum
fact.

fact. secund. Hibernicum morem, & Anglican. habitum & vestitum induere & uti totaliter per totum tempus præd. neglexit & omisit, & ^{Judgement, as} modo negligit, omittit, & spernit: in contempt. dom. regis nunc, & ^{supra.} contra formam statuti in hujusmodi casu edit. & provis.

4. *For keeping a Tippling house without Licence.*

Juratores pro dom. Rege præsentant, quod A.B. de C. in dicto Comitatu **peoman**, vicesimo die Mensis Octob. Anno Regni domini nostri Caroli, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Regis, fidei defensoris, &c. 14. & continuo multis diebus postea, viz. usque primum diem Novembris, anno supradicto, apud C. prædict. in Comitatu prædicto obstinatè, atque ex autoritate propria ipsius A.B. & sine admissione aut allocatione Commissionariorum dicti domini regis in hac parte assignatorum & auctoritatorum, assumpsit super se custodire, & custodivit unam cōmunem Tabernam, vocat. Anglicè a **cōmon Alehouse** or **Tippling house**, & ibidem dicto vicesimo die & dictis diebus tum postea, cōmuniter & publicè vendidit cervisiam & potum, Anglicè dict. **Ale and Beere**, per retalliam (Anglicè **by Retaille**) diversis dicti dom. regis ligeis & subditis: in dicti dom. regis contemptum, ac contra formam statuti in hujusmodi casu provis. ac editi. ^{Judgement, Fine and imprisonment.}

5. *An Indictment of a Priest for keeping of a Concubine.*

Jvator. pro dom. Rege præsentant, quod H.K. nuper de K. in Com. W. Cleric. die &c. anno &c. Deum præ oculis suis non habens, nec legem Dei & Domini Regis timens, & ordinem sacerdotal. nihil regardans, tanquam ribald. & luxuriosus, & riotosè sicut transgressor, malefactor, & pacis dom. Regis perturbator irregulariter & extra legis morem & honestam vitæ virtuosæ & sacerdotiæ dignitat. seipso utens, apud K. præd. in Comit. præd. hospitium illicitum levavit & custodivit, & quandam A.B. mulierem defamat. & stuprosam publ. & notor. custodivit & habuit, & ipsam A. B. a præd. die &c. ad tunc & ibidem continuand. & adhuc quotidie & noctanter manifestè & apertè custodivit, occupavit, & habet in communi stapro: in maximè periculos. exemplum alior. malefactor. contra pacem dicti Domini Regis &c. ^{Judgement, Fine & imprisonment, and bonds of the good behaviour.}

6. *An Indictment for keeping a bawdy-house and using unlawfull games.*

Jv. &c. præsent. quod N.W. de A. &c. **Taylor**, & E. uxor ejus sunt commun. lupanar. & diversis diebus & vicibus ante diem hujus inquis. in domibus suis situat. &c. manutent. hospitium lupanar. nec non diversas personas suspect. ibidem ludentes ad lud. illicit. viz. **Tables**,

Judgement, as
supra.

Tables, Cards, &c. tam in die quam in nocte, post horas debit. & legit. ad gravamen inhabitant. ibidem, ac malum exemplum alior. ligeor. Dom. Regis, &c.

7. *An Indictment for keeping of evill rule.*

Judgement, as
supra.

I Vrat. præsent. quòd *W.H.* de Parochia *S. Clement.* in *Com. Midd.* & *M.* uxor ejus die &c. anno &c. ac diversis diebus antea & postea hucusque custodierunt & adhuc custod. lupanar. luxuriam & fornicat. pro omnibus homin. & mulieribus ad talia nefanda opera dispositis ac custod. commun. **Dicing and carding,** &c. & alia illicita: ad gravamen omnium vicin. ibid. inhabit. & in malum exemplum alior. ligeor. &c. & contra pacem &c.

8. *An Indictment for keeping of a bawdy-house.*

Judgement, as
supra.

I Urat. præsent. quòd *R.M.* de &c. in *Com. &c.* & *W.H.* &c. die &c. anno &c. ac diversis temporibus antea & postea apud &c. tenent, custodiunt, occupant & frequentant in mansionibus suis ibid. communia hospitia lupan. luxur. & forn. & permittunt tam Clericos quam laicos homines & alias personas suspectas non boni gestus nec famæ cum meretricibus carnaliter concubare: ad magnum nocumentum totius populi domini Regis ibid. prope commorantium, & in malum exemplum omnium aliorum in tali casu delinquent. nisi citius in hac parte debit. provideatur remedium, ac contra pacem &c.

9. *An Indictment against one for keeping of Vagabonds, Whores, and idle and suspected persons, and evill rule in his house.*

Judgement,
as supra.

I Urat. præsentant, quòd *T.E.* &c. in domo sua apud &c. continuè recipit hospit. & supportat vagabond. meretrices & alios diversos homines otiosos suspect. & malæ conversation. & continuè custod. malam regulam & gubern. in domo sua præd. ad grave nocumentum & perturbat. omnium vicinor. suor. ac contra form. diversor. stat. &c. ac contra pacem &c.

10. *An Indictment against a Keeper of a common Tippling house, that he is a common barretor, & keepeth diverse suspicious persons in his house, both men and women, and vagabonds, drinking and swearing, and using unlawfull games, sleeping in the day and watching in the night: And for holding an hereticall opinion of our Saviour Christs humanitie.*

I Vratores &c. quòd *A.B.* de *E.* &c. est commun. Tiplator cervisiæ, & cōmunis barrectator & pacis Dom. Regis perturbator, & custod. &

& manutinet quotidie et noctanter in domo sua apud &c. diversas personas suspect. tam homines quam mulieres & vagabond. ibid. bibentes, jurantes, & ludentes ad luda illicita, viz. apud **carbs & dice**, in noctibus post horas debit. & legitimas, & qui vigilant in nocte et dorm. in die: necnon habet fidem & opinion. contra verbum Dei, & hæc verba dixit in Anglican. **God never tooke flesh nor blood of our Lady:** in malum exemplum & magnum nocumentum omnium aliorum ligeor. dicti domini Regis, & contra pacem dicti dom. Regis, coron. & dignitat. suas. Judgement, et
supra.

11. Against a Barrettor.

Iurat. pro Dom. Reg. præsent. quod **A. B. de C.** in Com. E. **Taylor**, secundo die Octob. anno regni dicti dom. Regis Caroli, dei gratia, Angliæ, Scotiæ, Franciæ et Hibern. regis, fidei defensor. &c. duodecimo, apud C. præd. in Comitatu E. præd. fuit ac adhuc est communis Barrectator & pacis dicti dom. Regis perturbator assiduus & publicus, necnon communis ac turbulentus calumniator, conviciator, pugnator, & litium inter vicinos suos seminator, adeo ut diversas lites, controversias, necnon jurgia adtunc ibid. & alibi in dicto Com. E. inter diversos dicti dom. Regis ligeos & subditos movit, procuravit & excit. In magnam pacis dicti dom. regis perturbationem, ac contra formam divers. ordin. ac statutor. hujus regni sui Hiberniæ in hujusmodi casu ante hac provisor. & editor. Judgement,
supra.

12. Another against a Barrettor.

Inquir. pro Dom. Rege si **R. E.** nuper de **G.** in Com. D. **peoman**, 20. die &c. apud **G.** præd. in Com. præd. fuit & adhuc est cōmunis Barrectator, & pacis dicti dom. reg. perturbator, & oppressor vicinor. suor. & al. ligeor. dicti dom. Reg. in Com. D. præd. ac communis malefactor, calumniator, & seminator litium & discordiar. inter vicinos suos præd. ad magnum dispendium, gravamen, & perturbation. vicinor. præd. & alior. fidel. ligeor. dicti dom. Reg. in Com. D. præd. contra ordinationes, leges, & statut. hujus regni Hiberniæ in hujusmodi casu edit. & provis. ac contra pacem &c. Judgement,
supra.

13. For being a common Barrettor, for keeping a blind Taverne, and receiving suspicious persons, and the wife a scold.

Iurat. &c. præsent. quod **I. S.** nuper de **C.** in Com. N. **Labouter**, est homo malæ conversationis & gubernationis, ac communis barrect. & pacis dom. regis perturbator; Et quod idem **I. S.** apud **C.** præd. in Com. N. præd. custod. tenet, & occupat quandam domum sive tavern. non habent. usuale signum aptè apposit. vulgariter dict. **a blind Taverne**; Et quod primo die Iunii &c. necnon diversis diebus & noctibus antea & postea, in eand. domum diversos homines malæ conversationis & suspect. venient. omnibus horis tam noctis quam diei, recepit & hospit. est, per quod vicini sui & alij ligei populi dicti

Judgement, *in*
supra.

dicti dom. reg. ibidem multipliciter vexantur, inquietantur, & gravantur, & ministri dom. reg. propter pacis conservation. officia sua ibid. exercere & exequi prohibentur, & sæpenumero in periculo amissionis vitæ & læsionis corporum suor. quotidie existunt. Et quod *I.* uxor prædicti *I.S.* est communis objurgatrix, tam cum vicinis, quam cum alijs ligeis dicti dom. Reg. per quod populi dicti dom. reg. multipliciter molestantur, inquietantur, & gravantur: contra pac. dicti dom. regis, &c.

14. An Indictment against a mans wife as a common Barreter and sower of dissention among her neighbours, and a common scold.

Judgement, *in*
supra.

I Vrat. præsent. quod *A.E.* uxor &c. de &c. in Com. &c. non est bonæ famæ nec conversationis honestæ, sed malæ dispositionis, barreter, & pacis Dom. Regis perturbator: Ita quod verisimile est facere murdr. homicid. lites, & discord. ac alia damna & gravamina inter ligeos dom. reg. ibid. prætextu præmiss. & est communis objurgat. & blasphem. vicinor. suor. & mag. scandala eis ibid. imponit: ad magn. nocument. omn. inhabit. villæ præd. & perniciosam exemplum omnium alior. in tali statu delinquent. & contra pacem &c.

15. An Indictment for burning Corne in the straw, upon the statute of 11. Car. cap. 17.

Judgement,
Fine and imprisonment.

I Vr. &c. præsent. quod *A.B.* de *C.* in Com. *D. peoman*, die &c. anno &c. apud *C.* præd. quingent. garbas avenar. ipsius *A.B.* in stramine, vice triturationis, igne combussit & comburi causavit & procuravit, stramen præd. avenar. sic totaliter comburand. & consumend. & grana præd. avenar. spoliand. in contempt. Dom. regis nunc, & contra formam statut. in hujusmodi casu edit. & provis.

16. An Indictment of a Common Drunkard, &c.

Judgement,
Fine & imprisonment,
and bonds
of the good
behaviour.

I Ur. &c. præsent. quod *A.B.* de *C.* in Com. *D. Faber ferrarius*, per spatium unius anni ultimè præteriti apud *C.* præd. fuit & adhuc est communiter & quotidie ebrius, & à toto tempore præd. in ebrietate sua fuit & est communis cavillator, pugnator, & pacis Dom. Regis perturbator: ac quod idem *A.B.* die &c. anno &c. apud *C.* præd. in ebrietate sua, vi & armis, viz. gladijs &c. in quendam *E.F.* et alios dicti Domini regis subditos insultum et affraiam fecit, et pacem dom. regis nunc ad mandatum Cōstabularij villæ præd. custodire aut observare noluit; et tunc et ibid. et diversis alijs diebus et vicibus minat. fuit accendere domos inhabitantium villæ præd. in magnum terrorem & perturbation. ligeor. subditor. dom. Reg. et contra pacem &c.

17. An Indictment for keeping of dogs accustomed to kill sheep.

I Ur. pro Dom. Rege dicunt & præsentant, quod *A.B.* de *C.* in Com. *D. peoman*, quosdam canes ad mordend. oves consuetos apud *S.* in

in Com. D. præd. scienter custodivit & retinuit, qui quidem canes primo die Augusti anno &c. viginti oves cujusdam I. C. prætij &c. apud S. præd. in Comitatu præd. tam graviter momorderunt quod oves præd. tunc & ibid. interfecerunt: ad grave damnum ipsius I. C. ac in malum exemplum & præjudiciu[m] Reipublicæ, ac contra pacem &c.

Judgement,
Fyne & Imprisonment.

18. *An Indictment where one committed to prison to a Serjeant at Mace by the Bailiffe of a Towne, for resistance, disobeying, and disturbing them from doing their office, escapeth out of prison, and goeth away out of the same.*

[Vratores &c. quod cum quidam D. E. de &c. die Martis, viz. quinto die &c. apud P. in Com. præd. commissus fuit per R. I. gen. unum ballivor. villæ de P. præd. & H. L. gen. deputat. I. B. gen. al. ballivorū ejusdem villæ in gaol. live prison, villæ præd. pro quibusdam resistentijs, disobediens, & malefact. per ipsum D. E. versus ipsum R. ballivum in executione officij sui virtute literar. dom. Regis eid. R. direct. ibid. moratur. sub salva custod. M. unius servient. ad clavam in villa præd. quousque præd. D. inde deliberatus & dimissus esset per debit. legis formam, præfat. tamen D. circa horam 12. in nocte ejusdem diei anno supradicto regni regis præd. prison. in qua detent. fuit (ut præd. est) ad tunc & ibid. malitiosè & minus justè fregit, & ab hujusmodi prison. sine aliqua licentia evasit & escapavit: contra formam statut. in hujusmodi casu edit. et provis. ac contra pac. dicti dom. Regis, &c.

Judgement, as
supra.

19. *An Indictment against a Priest for affirming that the Pope of Rome is Supreme head of the Church of England, and against one as accessorie, for comforting of him therein.*

[Vrat. præsent. pro Dom. Rege &c. quod I. S. de C. in Com. E. Cleric. die &c. anno &c. apud D. in Comitatu E. præd. scienter, consideratè, malitiosè, & directè affirmavit & defendit autoritat. Papæ Romani Ecclesiasticam in hoc regno Hiberniæ præantea usurpatā his expressis verbis Anglicanis sequentibus, viz. **I swear by the blessed Masse, and will avow that our holy father the Pope of Rome is the supreme head of the Church of England:** In magnam derogation. regis autoritatis, & prærogativæ dicti dom. Regis nunc, ac contra coron. & dignitat. suam, necnon contra formam statut. in hujusmodi casu edit. & provis. & cōtra pacem &c. Et quod A. B. de D. præd. in Com. E. præd. **war-chandler**, sciens ipsum I. S. dicta verba locut. esse, ac dictam dicti papæ autoritatē (modo & forma ut præfatur) defendisse, ipsum I. S. apud D. præd. in dicto Com. E. postea, scil. die &c. anno &c. consolatus est & confortavit ex industria & ex proposito, & ad eam intentionē ut idem A. B. promoveret & præferret & efferret præf. dicti Papæ autoritatē usurpatam: in perniciosissimum alior. exemplū, ac cōtra coron. & dignitat. dicti dom. reg. nunc, ac etiam contra form. stat. in hujusmodi casu provis. & edit.

Judgement,
Forfeiture of
goods, and if
the goods doe
not amount to
20. l. then be-
sides this for-
feiture a yerres
imprisonment.

20. *An Indictment against a Priest for practising to absolve and persuade a woman from her obedience and subjection to the King, and to obey the authority of the See of Rome.*

I Ur. pro Dom. Rege present. quod A.B. de C. in dicto Com. B. Clericus, die &c. anno &c. apud C. præd. in Com. E. præd. voluntarie, fortiter, deceptivè, subdolè & illegitimè conatus est & practicavit absolvere, persuadere, & seducere quandam I.W. de C. præd. in Com. E. præd. viduam à naturali obedientia & subjectione sua, quam eadem I. erga dict. dom. Regem gerere debet, ad obediend. præfensæ autoritatij sedis Romanæ, tunc & ibidem subdolè & illegitimè præ se ferens & asserens se habere potestatem & facultatem id faciendi, & tunc & ibidem subdolè, falsè & illegitimè dicens eid. Iohannæ his Anglicis verbis sequentibus, **Mother Joan you shall have a blacke soule (I tell you) if you doe not the sooner forsake the King** (innuend. præd. dom. nostrum Reg. nunc) **and his heresie, and yeeld your selfe to the obedience of our Mother Church, the holy See of Rome:** contra pac. dicti dom. Regis, coron. & regalem dignitatem suam, & contra formam statut. in hujusmodi casu provis. & edit.

Judgement, as
supra.

21. *For giving of a Liverie.*

I Ur. pro Domina Regina presentant, quod T.B. de C. in Com. T. armiger, die &c. anno &c. apud C. præd. in Com. E. præd. quasdam liberatas vesturæ, viz. cuidam A.B. de C. præd. in Com. E. præd. **yeoman** tres ulnas panni lanci, color. veneti, pretij 20.s. & C.D. de B. in dicto Com. **yeoman**, alias tres ulnas similis panni lanci, eorund. coloris & pretij, ad duas separales tunicas pro præfatis A.B. & C.D. inde faciendas, dedit & distribuit: ubi revera præfati A.B. & C.D. aut eorum alter, nunquam fuerunt, aut fuit, domestici serviens, aut domesticus serviens, officarij sive officarius, ballivi sive ballivus dicti T.B. aut de consilio ipsius T.B. in una lege sive altera cruditi vel cruditus. In magnum dictæ Dominæ Reg. contempt. ac contra formam statut. in hujusmodi casu ante hac provis. ac edit.

Judgement,
Fine and Ran-
some, and for-
feiture of s.l.
for every
month.

22. *For receiving and using a Liverie.*

I Ur. pro Dom. rege present. quod A.B. de C. in Com. E. **yeoman**, unam liberat. panni, viz. tres ulnas panni lanci, coloris veneti (vocat. Anglicè **watchet**) ad valentiam 20.s. ad tunicam inde sibi faciendam de T.B. de C. præd. in Com. E. præd. armigero apud C. præd. in dicto Com. E. 2. die Augusti &c. recepit, & ead. tunica à dicto die secundo, anno supradicto, usque diem &c. anno &c. apud C. præd.

in

in Com. E. præd. & alibi in diversis locis infra Comitatus præd. usus est: ubi idem *A. B.* dicto tempore receptionis liberatæ præd. aut unquam postea non fuit familiaris, officarius, ballivus, aut de consilio dicti *T. B.* in una lege aut altera eruditus: In magn. dicti domini Regis contemptum, ac contra form. statut. in huiusmodi casu ante hac ^{iudgement, as} provis. & edit. ^{supra.}

23. *An Indictment against a Leazar of Corne, upon the statute of 28. H. 8. cap. 24.*

I Uratores pro Dom. Rege super sacramentum suum dicunt & præsentant quod *A. B. de C.* in Com. D. **Spinster**; in tempore autumnii, ult. præterit. fuit communis **Spicilegus** (Anglicè **a Leazer of Corne**) & quod die &c. anno &c. apud *C.* præd. in quodam agro frumenti ad tunc in occupatione cuiusdam *I. S. de C.* prædict. vocat. **the wheat field** sine licentia prædicti *I. S.* diversas spicas frumenti ipsius *I. S.* ad valentiam duorum solidorum tunc & ibidem invent. illicitè collegit (Anglicè **did leaze**) & easdem asportavit (frumento nuper in eodem agro crescente in agro præd. tunc remanente) In contempt. dom. Regis nunc, ac contra formam statuti in huiusmodi casu edit. & ^{iudgement, as} provis. ^{Fine of 2s. d.}

24. *An Indictment for permitting Leazars to lease Corne upon the said statute of 28. H. 8. ca. 24.*

I Vr. &c. præsent. quod *A. B. de C.* in Com. D. gen. die &c. anno &c. quosdam spicilegos (Angl. **Leazars of Corne**) viz. *C. D. E. F. G. H. & I. K.* in quodam agro in *C.* præd. voc. **the wheat field** tunc in occupatione ejusd. *A. B.* diversas spicas ad valentiam duor. solidor. colligere (Anglicè **to leaze**) voluntariè & illicitè permisit (frumento in agro prædicto nuper crescente in eod. agro tunc remanente) In contempt. dom. Regis nunc, ac contra formam stat. in huiusmodi casu ^{iudgement, as} edit. & provis. ^{supra.}

25. *An Indictment for keeping Inmates that lease Corne in harvest upon the said statute of 28. H. 8. ca. 24.*

I Vr. &c. præsent. quod *A. B. de C.* in Com. D. **Husbandman**, in tempore autumnii, viz. à primo die Augusti ult. præteriti usque ad ult. diem Septembris ult. præteriti recepit & custodivit in domo sua apud *C.* præd. diversas personas vocat. **Inmates**, viz. *I. F. G. H. & I. K.* quæ quidem personæ per totum tempus prædict. fuerunt communes spicilegi (Anglicè **Leazars of Corne**) & quod prædict. *I. F. G. H. & I. K.* die &c. anno &c. apud *C.* prædict. in quodam agro ad tunc in occupatione cuiusdam *I. S.* vocat. **the wheat field**, ac in quamplurimis alijs diebus & locis in Com. prædicto inter prædict. primam ^{diem}

Judgement,
Fine of 6, 1, 8 d.

diem Augusti & ult. diem Septembr. ultimè præterit. quamplurimas spicas ad valentiam 40. s. sine licentia ejusd. I. S. aut alicujus seu aliquorum occupatorum illorum agror. ubi spicæ prædictæ collectæ fuer. vel eorum alicujus illicitè colligerunt, Anglicè **haue leazed**, (frumento in agro præd. nuper crescente in cod. agro tunc remanente) in contempt. dom. regis nunc, & contra form. statut. in hujusmodi casu edit. & provis.

26. *An Indictment upon the statute of Anno 1. Eliz. against a Priest for saying of Masse in the vestry of a Church, and for using in the Celebration of the Lords Supper other rites and Ceremonies then are appointed in the Booke of Common prayer in anno 5. & 6. E. 6. and against two others for hearing the said Masse.*

I Ur. & c. dicunt & præsentant, quod G. C. nuper de E. in Com. E. Clericus, die & c. anno & c. apud E. præd. in Com. E. præd. in quodam loco ibid. vocat. **the vestry-house**, juxta Ecclesiam parochialem de E. præd. in Com. E. præd. voluntariè usus fuit privato alio ritu, ceremonia, forma; & modo celebrationis Coenæ Dominicæ (voc. **the Lords Supper**) quam in quodam libro intitulo *Liber Communis precaton. & administration. Sacrament. & aliorum rituum & Ceremoniar. Ecclesia Anglicana*; autorizato per Act. Parliamenti tenti in annis quinto & sexto regni Domini Edw. nuper reg. Angliæ sexti, declar. & mentionat. existit; viz. dicend. & celebrando unam privatam missam: contra formam statuti in Parlamento Dom. Eliz. nuper Regiæ apud Dublin. anno regni sui secundo, tento, editi & provis. & contra pac. Dom. Regis nunc, coron. & c. & quod T. B. nuper de B. in Com. præd. **yeoman**, & I. M. nuper de W. in Com. prædicto **Labou- rer**, die & anno supradictis, apud W. prædictam in Com. prædicto, tempore celebrationis præd. Coenæ Dominicæ modo & forma prædictis fuerunt præsentēs & voluntariè audientes *Missam* prædictam in forma prædicta dictam & celebrat. contra formam statuti præd. ac contra pacem & c.

Judgement, for
the Priest a
yeeres impri-
sonment, and
for the hearers
of the Masse
the fyne of
100. markes.

27. *An Indictment for laying Hemp and Flax in a River upon the statute of 11. El. cap. 5.*

I Vrat. & c. præsent. quod A. B. de C. in Com. D. **Husbandman**, die & c. anno & c. apud C. præd. in Com. præd. unam carectatam lini valoris viginti solidor. & unam carectat. cannabis valor. 20. s. in quodā frisco torrenti in C. præd. (vocat. **the Brooke of C. præd.**) posuit & locavit ad macerand. per quod aqua præd. Torrentis per magn. tempus corrupta venenata & intoxicata devenit: ad cōmune nocumēt. inhabi- tantiū villæ præd. & cōtra form. stat. in hujusmodi casu edit. & provis.

Judgement to
be fined treble
value & c.

The like Indictment may be made for laying any limed hides in a running water, mutatis mutandis.

28. For

28. *For Nufance in the Kings high way by inclosing of part of the way.*

IUr. &c. dicunt & præsent. quòd E. S. nuper de W. in Com. W. præd. gen. secundo die Maij, anno &c. partem cuiusdam viæ regie in W. in Com. præd. ducent. à W. præd. usque ad S. in eod. Comitatu, viz. à W. præd. usque ad quandam foveam in S. præd. in prædicto Com. W. (vocat. **le common pit**.) in ead. via existentem, cum sepe & fossa inclusit & obstruxit, & eand. viam regiam sic inclus. à prædicto 2. die Maij, usque diem captionis hujus Inquisitionis in pasturam convertibat, & adhuc custodit, in malum & perniciosum exemplum aliorum, & ad grave damnum & commune nocument. omnium ligeor. subditorum dicti domini Regis ibidem prope inhabitantium, quorum interest illac transire, ac contra formam diversorum statut. in hujusmodi casu edit. & provis. & contra pacem dicti domini Regis &c. Judgement, Fine and imprisonment, and to remove the Nufance.

29. *An Indictment for stopping and turning of a water-course in a towne, by reason whereof divers mens lands be overflowed.*

IUr. &c. præsent. quòd T. B. nuper de S. **peoman**, & I. P. nuper de S. **peoman**, die &c. anno &c. necnon diversis alijs diebus & vicibus tam antea quam postea apud S. præd. quendam aquæ cursum obstupaver. & diverter. per quod præd. aquæ cursus fluebat super solum & liberum tenement. quorundam &c. ad grave damnum ipsorum, necnon omnium tenen. vellæ de S. præd. & in perniciosum exemplum alior. & contra pacem &c. Judgement, as supra.

30. *An Indictment for stopping and inclosing the Kings high way with hedge and ditch.*

IUr. &c. præsent. quòd A. B. de &c. 6. die April. &c. vi & armis, &c. regiam viam apud &c. tam fossat. quam sepe injustè obstupavit & inclusit, quæ quidem via jacet in vico voc. &c. & extendit se usque regiam viam apud hospital. S. Cornelij, ita quòd homines neque pedestres neque equestres per præd. viam pertransire possint: Et quòd præd. via debet & à tempore quo non extat memoria solebat esse communis via, quousque A. B. illam in form. præd. fecisset, contra pac. &c. ad grave damn. & commune nocumentum ligeor. dicti Domini Regis. Judgement, as supra.

31. *An Indictment against diverse persons for profaning the Lords day by keeping Markess &c.*

IUr. &c. præsent. quòd A. B. C. D. & E. F. de S. in Com. D. præd. **Labourers**, apud S. præd. in Cō. præd. in die dominico, viz. die &c. anno

Judgement,
imprisonment,
and bonds of
the good be-
haviour.

anno &c. seipſos illicitè aſſemblaver. & congregaverunt, & tunc & ibidem in contemptum Dei omnipotentis & mandati ſui cuſtodiver. mercatum publicum & apertum, tunc & ibidem vendendo & emendo diverſa bona & mercimonia, & ſic in hunc modum illicitè & irreligiousè prophanaver. diâ. diem dominic. in exemplum pernicioſ. & in cōtempt. dom. reg. nunc, & gubernationis ſuæ hujus regni, & contra pacem &c.

32. An Indictment for drawing with horses by the tails, upon the statute of 11. Car. cap. 15.

Judgement,
Fyne & Imprisonment.

[Vr. &c. præſent. quòd *A. B. de C. in Cō. D. yeoman*, die &c. anno &c. et compluribus alijs diebus tam antea quam poſtea apud *C. præd.* aravit 20. acraſ terr. ipſius *A. B.* cum quibuſdam equis, & eoſd. equos tunc & ibid. barbarè per caudas ſuas aratrum pro terra ſua præd. aranda pertrahere fecit & cauſavit: contra formam ſtatut. in hujusmodi caſu edit. & proviſ.

33. An Indict. for pulling the wool off living ſheep upon the ſame ſtatute.

Judgement,
as ſupra.

[Vr. &c. dicunt, quòd *A. B. de C. in Cō. D. yeoman*, die &c. anno &c. apud *C. præd. in Cō. præd.* barbarè & crudeliter, in loco tonſuræ, lanam de viginti ovibus, de bonis ſuis proprijs, avelli & expilari cauſavit et procuravit: contra form. ſtatut. in hujusmodi caſu edit. & proviſ.

34. An Indictment for procuring a ſervant to depart from his Maſter, and for being a cōmon procurer of ſervants away from their ſervices.

Judgement,
as ſupra.

[Ur. &c. quòd *W. M. de N. in Com. E. yeoman*, die &c. anno &c. apud *B. in Com. E. præd.* procuravit & exhortatus eſt *I. C. ſervientem R. S.* in ſervitio ſuo ibid. exiſtent. abire ab eod. ſervitio, cujus quidem procurationis prætextu idem *I. C. à ſervitio R. S.* tunc et ibid. receſſit: Et quòd idem *W. M.* eſt communis procurator ſervient. diverſor. ligeor. dom. regis; ita quòd ligei dom. regis de ejuſmodi ſervient. ad negotia ſua perimplenda multipliciter gravati exiſtunt: in dicti dom. regis cōtempt. et quamplurim. ligeor. dom. regis deterioration. manifeſtam.

35. An Indict. againſt a ſervant that departeth out of his ſervice.

Judgement,
as ſupra.

[Vr. &c. dicunt & præſent. quòd cum *W. A. de B. in Com. præd. Labourer*, die &c. anno &c. apud *E. in Com. præd.* retentus fuiſſet cum *I. C.* ad deſerviend. eid. *I.* in officio husbandriæ ab eod. die per unum annum integrum tunc proximè ſequent. prædict. tamen *W.* ante finem termini prædicti, viz. die &c. anno &c. à dicto ſervitio ipſius *I.* apud *E. præd.* ſine cauſa rationabili vel licentia ſpecial. ipſius *I.* receſſit: in dicti domini Regis nunc contemptum, & contra formam ſtatut. in hujusmodi caſu edit. & proviſ.

36. An

36. *Another Indictment against a mason that departeth
out of his service.*

Iur.&c. quòd cum N. nuper de L. in Com. præd. **Labourer**, die &c. anno &c. apud L. in Com. præd. retentus fuisset cum H. T. ad deserviend. eidem H. in occupatione unius latorum (Anglicè voc. a **Mason**) ab eod. die per unum annum integr. tunc proxime sequent. prædictus tamen W. ante finem termini prædicti, scil. die &c. anno &c. à dicto servitio prædicti H. apud N. in Com. præd. sine causa rationabili vel licentia speciali ipsius H. recessit: in contemptum dom. regis nunc, ac contra formam statut. in huiusmodi casu edit. & provis. Judgement, as
supra.

37. *An Indictment against a servant that departeth out of his service,
and him that retaineth him, upon the statute of
23. Edw. 3. of Labourers.*

Iur.&c. dicunt & præsent. quòd cum per dom. Edw. tertium nuper Regem Angl. progenitor. Dom. regis nunc, & consiliarios suos pro communi utilitate ejusdem regni ordinat. sit, quòd si aliquis serviens in servitio alicujus retentus, ante finem termini concordati à dicto servitio sine causa rationabili vel licentia recesserit, poenam imprisonment lubeat; & nullus sub ead. poena talem in servitio suo recipere vel retinere præsumat: cumque etiam A. W. de D. in Com. præd. die &c. anno &c. apud L. in Com. præd. retentus fuisset cum quodam I. F. ad deserviendum ei in officio pinceræ ob eod. die per unum annum integrum, Quidam tamen T. S. de P. in Com. præd. **Butler**, præfatum A. qui ante finem termini præd. scil. die &c. anno &c. tunc proxime sequente, à dicto servitio ipsius I. sine causa rationabili vel licentia ejusdem I. recessit, in servitium prædicti T. (quanquam ipse ibidem dicto die &c. anno &c. de præfato A. eid. I. restituend. requisitus fuisset) admisit & retinuit: ac dictus A. prædicto die &c. anno &c. à servitio prædicti I. F. ante finem termini prædicti sine causa rationabili vel licentia ipsius I. (ut præd. est) recessit: in dom. regis nunc contemptum, & contra formam ordination. præd. &c. Judgement,
as supra.

38. *Another Indictment upon the same statute against one that
retaines another mans servants without
reciting the stat.*

Iur.&c. quòd cum R. G. die &c. anno &c. apud S. in Com. præd. retentus fuisset cum quodam R. S. ad deserviend. eid. R. in servitio Husbandriæ ab eod. die &c. anno &c. per unum annum integr. tunc proxime sequent. captur. pro salario suo per tempus illud 20. solid. Quidam T. A. de B. in Com. præd. gen. eund. R. G. qui die &c. anno &c. ab eod. servitio ante finem dicti termini inter eos concordati sine causa rationabili vel licentia ipsius R. S. recessit, in servitium ipsius T. (quanquam ipse de præfato R. G. eid. R. S. restituend. requisitus fuerit) eod. die apud S. præd. admisit & retinuit: in dom. Regis nunc contempt. & contra formam statut. in huiusmodi casu edit. & provis. Judgement,
as supra.

39. *An Indictment for using more Arts than one, upon the statute of Anno the 3. Ed. 1.*

Judgement, as
supra.

I Ur. & c. præsent. quòd cum in statuto in Parlamento dom. E. nuper Regis Angliæ 3. post conquestum, anno regni sui 3. tento, edito, inter cætera ordinat. sit & statut. Quòd artifices & gentes occupation. habentes (& quilibet eorum) ad suam artem seu occupationem se teneant, & quòd nullus exerceat aliam artem seu occupat. nisi tantum eam quam elegit: Et si aliquis in contrarium fecerit, per imprisonment. corpor. sui per spatium duor. annor. puniatur, & ulterius finem & redemptionem dom. Regi fac. prout in eod. stat. plenius continetur: Quidam tamen *A.B. de C. in Com. H. Baker*, aliàs dict. *A.B. de C. in Com. H. præd. Milner*, stat. præd. minimè ponderans, nec poenam in eod. stat. content. verens à secundo die Iulij anno & c. usque quartū diem April. anno & c. suprad. tam artem molendinar. quam artem pistor. panis humani apud C. præd. continuè exercebat: in Dom. reg. nunc contempt. & contra form. statut. præd.

40. *An Indictment against one for taking above the rate of 10. l. in the 100. l. for the loane thereof for one yeere.*

Judgement,
Fyne & Imprisonment.

I Ur. & c. præsent. quòd ubi *A.B. de C. in Com. E. Mercer*, die & c. anno & c. apud C. præd. in dicto Com. E. mutuò dedisset ac accommodasset cuidam *D.E. de C. præd. in dicto Com. E. Shoemaker*, summam 20. l. in pecunijs numeratis de pecunijs dicti *A.B.* ea intentione, ut idem *D.E.* 20. l. eid. *A.B.* redderet & resolveret primo die Apr. tunc proximè futuri, Idem *A.B.* ad tunc & ibid. injustè cepit & habuit præ manibus de prænominato *D.E.* viginti sex solidos in lucro, usura, & proficuo, pro differendo & dando diem solutionis (sic ut præfertur) earund. 20. libr. à die & c. usq; ad diem & c. tunc proximè sequent. qui quidem viginti sex solidi (modo & forma præd. præ manibus capti & habiti) multo excedunt & superant ratam & proportion. decem libr. pro centum libris pro uno anno integro accommod. ad damnū non mediocre ipsius *D.E.* ac in cōtempt. dicti dom. reg. nunc, necnon contra form. stat. in huiusmodi casu provis. & edit. & contra pacem & c.

41. *For bewitching a horse whereby he wasted and became worse.*

Judgement,
2 yeares imprisonment,
& every quarter to stand six
houres upon
the pillory.

I Ur. & c. præsent. quòd *S.B. de C. in Com. E. vidua*, die & c. anno & c. quasdam artes nequissimas (Anglicè vocat. **Tuchantments and Charms**) apud C. præd. in Com. E. præd. malitiosè & diabolicè in, super, & contra quendam equum, color. albi, pretij 4. l. de bonis & cattall. cuiusd. *I.S. de C. præd. in dicto Com. E. gen. existentem*, exercuit & practicavit; Per quod idem equus dicti *I.S.* die præd. apud C. præd. omnino pejoratus est & vastatus: contra pacem dicti dom. Regis, & contra formam stat. in huiusmodi casu edit. & provis.

42. *AB*

42. *An Indictment upon the statute for practising and using Witchcraft, Enchantments, Charmes, and sorceries to finde out goods stolne.*

Civitas [Ur. pro dom. Rege præsent. super sacrament. suum, quod *Dublin.* § *E.C.* nuper de parochia sancti Iacobi Apostoli in Com. Civitatis Dublin. **Plasterer**, & *M.S.* de parochia S. Nich. extra muros Civitat. D. in eod. Com. **Bodies-maker**, timorem Dei præ oculis suis non habentes, 8. die Martij, Anno regni dom. nostri Caroli, dei gratia, nunc Angl. Scotiæ, Franciæ, & Hiberniæ Regis, fidei defensor. &c. 13. & diversis alijs diebus & vicibus, tam ante quam post, apud D. viz. in prædict. parochia S. Iacobi Apostoli in Com. præd. & diversis alijs locis in eodem Com. nequiter, diabolicè, & malitiosè super se susceperunt per artes nefandas, diabolicas, & detestandas (Anglicè vocat. **Witchcraft, Enchantments, charmcs, and sorceries**) narrare & declarare ubi bona & res furat. inveniri poterint, scil. ubi quædam pecia de panno lineo vocato **holland** continens sexdecim ulnas prætij cujuslibet ulnæ inde sex solid. & octo denar. de bonis & catallis *E.H.* viduæ tunc nuper furat. & felonice asportat. per quandam personam ignor. inveniri potuisset & per quam personam eadem pecia capta fuit; Et ad tunc & ibid. nequiter, diabolicè & malitiosè utebantur & practicer. præd. artes nefandas, diabolicas & detestandas (Anglicè vocat. **Witchcraft, Enchantments, Charmes & Sorceries**) ad dignoscend. & scientiam habend. ubi prædicta pecia de panno lineo præd. inveniri potuisset, & per quam personam eadem pecia de panno lineo præd. furata fuit: ac per hujusmodi artes nefandas diabolicas & detestandas (Anglicè vocat. **Witchcraft, Enchantments, Charmes, and Sorceries**) nequiter, diabolicè, & malitiosè ad tunc & ibidem procuraverunt & causaverunt quandam *E.M.* innocent. & de hujusmodi crimine minime ream existen. de furto & felonica captione & asportatione præd. peciæ de panno lineo præd. suspect. & impedit. fore in dicti dom. regis nunc contempt. & in perniciosum exempl. aliorum ac contra formam & effectum stat. in hujusmodi casu edit. & provis. &c.

Judgement,
as supra.

43. *An Indictment upon the statute for practising Sorceries, Enchantments, Charmes or witchcraft with intent to hurt one in his body or members.*

Civitas [Ur. pro dom. rege præsent. super sacram. suum, quod *M.K.* *Dublin.* § de parochia S. Kevinii in Com. Dubl. **Spinster**, uxor *R.K.* aliàs dicta *M.G.* & *M.F.* de paroch. S. Mich. Arch. Dublin. in Com. Civit. D. **Spinster**, uxor *T.F.* ultimo die Martij, Anno regni dom. nostri Caroli, dei gratia nunc Angl. Scotiæ, Franc. & Hiber. regis fidei defensoris &c. 13. & diversis alijs diebus, tam ante quam postea, apud D. viz. in præd. parochia S. Mich. Arch. Dublin. in warda Sancti Mich. in Com. Civit. D. voluntariè, nequiter, & malitiosè utebantur & practicer. artes nefandas & diabolicas (voc. **Sorcerie, Enchantment, Charmes or witchcraft**) in, contra, & super quandam C. uxor. *F.K.* ea intentione ad nocend. (anglicè **to hurt**) eidem C. in corpore & membris ipsius C. contra pacem dicti dom. Regis nunc, Coronam & dignitat. suas, & contra formam & effectum statut. in hujusmodi casu edit. & provis. &c.

Judgement,
as supra.

Having now furnished the Clerks of the Crowne, and of the Peace with a competent number of Presidents of Indictments of severall sorts, whereby, and by the help of those directions which are declared in the eighth Chapter of the second Booke, any ingenious Clerke may be able to frame an Indictment for any offence whatsoever, either at the Common law, or upon any statute: it now onely remaineth to furnish them with some Presidents of Proces which are to be issued upon those Indictments, and so to conclude this worke.

Proces upon Indictments and Presentments, taken out of M^r Lambert, who collected them out of the old imprinted Booke of the Iustices of Peace.

Note that the Proces upon an Indictment of Treason or Felony is usually

A Capias.

A Capias aliàs.

An Exigi facias.

And in every such Capias there ought to be three weekes space betwene the Date and the Returne thereof.

The Capias is thus.

Iacobus, Dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, fidei defensor, &c. vicecomiti Kanc. salutem. Præcipimus tibi, quòd non omittas propter aliquam libertatem in balliva tua, quin eam ingrediaris, & capias *A. B. de C.* in dicto Comitatu **Labourer**, & eum salvò custodiri facias; ita quòd habeas corpus ejus coram custodibus pacis nostræ, necnon Iusticiarijs nostris ad diversa felonias, transgressiones, & alia malefacta in dicto comitatu tuo perpetrata audiendum & terminandum assignatis, ad proximam generalem Sessionem pacis comitatus tui post clausum Paschæ proximè futuræ tenendam (ubicunque in eodem Com. teneri contigerit) ad respondendum nobis tunc ibidem de quadam felonia unde indictatus existit. Præcipimus etiam tibi, quòd non omittas propter aliquam libertatem in balliva tua prædicta, quin diligenter inquiras quæ bona & catalla prædictus *A. B.* habet in balliva tua, & ea in manus nostras seisciri facias, ut ulterius inde fieri possit, prout de jure, & secundum legem & consuetudinem regni nostri Hiberniæ fuerit faciendum; Et habeas ibi tunc hoc præceptum. Teste *H. Co.* milite apud *M.* prædictam in Comitatu prædicto 24. die Februarij, anno regni nostri, &c.

The Aliàs Capias.

Iacobus, Dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, fidei defensor, &c. vicecomiti Kanc. salutem: Præcipimus tibi (sicut aliàs præce-

præcepimus) quòd non omittas propter aliquam libertatem in balliva tua, quia eam ingrediaris, & Capias *A.B. de C. in comitatu tuo Labourer, and so word for word as the Capias before changing the dayes only.*

The Exigi facias.

Iacobus Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, fidei defensor, &c. vicecomiti Kanc. salutem: Præcipimus tibi quòd exigi facias *A.B. de C. in dicto Com. Labourer*, de Comitatu in Comitatum, quousque secundum legem & consuetudinem regni nostri Hiberniæ utlagetur si non comparuerit, et si comparuerit, tunc eum capias & salvò eum custodiri facias, ita quòd habeas corpus ejus coram custodibus pacis nostræ, necnon Iusticiarijs nostris ad diversa felonias, transgressiones, & alia malefacta in dicto Com. perpetrata audiendum & terminandum assignatis, ad generalem Sessionem pacis Comitatus tui proxim. post festum S. Michaelis Archangeli proximè futur. tenendam (ubicunque in eodem Com. teneri contigerit) ad respondendum nobis de quadam felonia unde indictatus existit, & unde tu ipse mandasti coram præfat. Iustic. nostris (tali die &c.) quòd præfatus *A.B.* nō est inventus in balliva tua, & habeas tunc ibi hoc Breve. Teste *H.C.* milite, apud *M.* in com. prædicto, sexto die Septembris, anno regni nostri 2. Ad quem diem *I.F.* armiger, vicecomes Comitatus prædicti, retornavit, quòd ad Comitatum suum tentum apud *P.* 4. die Maij, anno regni dom. regis nunc, &c. (*& so shewing the dayes of his other foure Counties*) prædictus *A.B.* exactus fuit, & non comparuit, & propterea utlagatus fuit.

The common Proces upon other Presentments, not being in Felony, nor specially set forth in statutes, is in that old booke declared to be, first :

A Venire facias, thus.

Iacobus, Dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, fidei defensor, &c. vicecomiti Kanc. salutem : Præcipimus tibi, quòd nō omittas propter aliquam libertatem in balliva tua, quin venire facias *A.B. de C. in dicto Comitatu tuo peoman*, coram custodibus pacis nostræ, necnon Iusticiarijs nostris ad diversa felonias, transgressiones, & alia malefacta in dicto Com. perpetrata audiendum & terminandum assignatis, ad general. Sessionem pacis comitatus tui proximè post, &c. ad respondendum nobis super quibusdam articulis super ipsum *A. B.* præsentatis, & habeas ibi tunc hoc præceptum : Teste &c.

And if upon this Venire facias the partie be returned sufficient, then a Distringas must goe out, and so the same Proces infinite, untill he come in, which is thus.

Iacobus, Dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, fidei defensor, &c. vicecomiti Kanc. salutem : Præcipimus tibi, quòd
non

non omittas propter aliquam libertatem in Balliva tua, quin eam ingrediaris, & distringas *A.B. de C.* in comitatu tuo *yeoman*, per omnia terras & tenementa &c. Et quod habeas corpus ejus coram præfatis Iusticiarijs &c. ad respondendum &c. Teste &c.

*But if Nihil habet be returned at the first against him, then a Capias.
An Alias Capias.*

A Pluries Capias, which hath no change, but the word Pluries for Alias: and lastly, an Exigi facias must be awarded against him.

This is the generall Proces: the speciall must be sought for in the tenth Chapter of the second Booke, and in those statutes whi. b. doe namely appoint them.

*A Superfedeas to stay the taking of one that is indicted of some
Trespasse or Contempt.*

Iacobus, Dei gratia, Angliæ, Scotiæ, Franciæ et Hiberniæ Rex, fidei defensor, &c. vicecomiti Kanc. salutem: Quia *A.B. de C.* in dicto Com. *yeoman*, venit in Curia nostra coram *H.C.* milite & socijs suis custodibus pacis nostræ, ac Iustic. nostris ad diversa felonias, &c. assignatis, apud *M.* tali die &c. et invenit sufficientem manucaptorem essendi coram præfatis Iusticiarijs ad proximam generalem Sessionem pacis in dicto Comitatu tenendam, ad respondendum nobis de quibusdam transgressionibus super ipsum præsentatis: ideo tibi præcipimus, quod de capiendo præfatum *A.B.* seu ipsum imprisonando, vel eum ea de causa aliquammodo molestando, omnino superfedeas. Et si eum ea de causa & non alia ceperis, tunc ipsum sine dilatione deliberari facias. Teste præfato *H.C.* milite, apud *T.* prædictam, die & anno &c.

A Superfedeas to stay the Exigi facias upon an Indictment of Felonie.

Iacobus, Dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, fidei defensor, &c. vicecomiti Kanc. salutem: Quia *A.B. de C.* in dicto comitatu tuo *yeoman*, venit in Curiam nostram apud *M.* tali die &c. coram *H.C.* milite & socijs suis custodibus pacis nostræ, necnon Iusticiarijs &c. ac se reddidit prisonæ nostræ (occasione quarundam feloniarum unde coram eis indictatus est) ut in eadem moretur, sicut nobis constat: *Or thus*, Quia invenit nobis sufficientem manucaptionem essendi coram præfatis Iusticiarijs ad proximam generalem Sessionem pacis in dicto comitatu tenendam, ad respondendum nobis de quibusdam felonijs, unde coram eis indictatus existit, ideo tibi præcipimus, quod de ulterius exigendo præfatum *A.B.* ad aliquem Comitatum tuum, vel eum imprisonando, sive ipsum ea occasione molestando, omnino superfedeas. Et habeas ibi hoc Breve. Teste, &c.

Some

*Some other formes of Superfedeas there be in that old Booke, proceeding from
one Iustice of Peace, which I do pretermitt, because I see not how they be war-
ranted at this day : Neverthelesse this Precept following I will draw from
thence, that others may advise upon it.*

For the removing of a petit Constable.

Iacobus, Dei gratia &c. vicecom. Midd. necnon capitali Constabu-
lario hundredi de *W.* & eorum cuilibet, salut. quia *W.P.* & *R.S.* sub-
cōstabularios villæ de *C. & K.* (certis de causis nos moventibus) ab of-
ficio suo amoveri & exonerari fecimus, ideo vobis & cuilibet vestrum
conjunctim & divisim præcipimus & mandamus, quòd *I.T.* & *R.M.* ad
omnia & singula eid. officio incumbencia bene & fideliter exercenda
& exequenda (prout ipsi nobis inde respondere voluerint) jurare fa-
ciatis: dictisq; *W.P.* & *R.S.* similiter injungentes, quòd ipsi de dicto
officio ulterius exercendo & exequendo nullatenus se intromittant,
quousque aliud de nobis habuerint mandat. Et quicquid inde fece-
ritis, Iustic. nostris ad pac. nostram in dicto comit. conservandam af-
signatis ad proximam general. Sessionem pacis apud *C.* in dicto Com.
tenend. certificetis, hoc præceptum nostrum tunc & ibidem remitten-
tes. Teste *T.M.* uno Iustic. nost. præd. tali die &c.

*A Writ of Restitution upon the statutes of 28. H. 8. ca. 10. 3. & 4.
Phil. & Ma. ca. 6. to the owner of stolne goods.*

Iacobus, Dei gratia, &c. *I.F.* Ballivo de *M.* in Comitatu nostro
Kanc. generoso salutem. Quia *I.S.* nuper de *O.* in dicto Com. **La-
bourer** nuper indictatus, reatus, & legitimo modo per patriam apud
M. in Comitatu prædicto coram *H.C.* milite & socijs suis custodibus
pacis nostræ, necnon Iusticiarijs nostris ad diversa felonias, transgres-
siones, & alia malefacta in dicto Com. perpetrata audiendum & ter-
minandum assignatis, ratione evidentia per *E.H.* de *L.* in Comitatu
præd. contra eundem *I.S.* datæ, inventus fuit culpabilis, de eo quòd
idem *I.S.* 2. die Maij, anno regni nostri 2. apud *O.* prædict. in Com.
præd. duas vaccas (coloris rubei, ad valentiam 3. li.) de bonis & ca-
tallis præfati *G.H.* ad tunc ibidem inventas felonice cepit & abduxit,
Ideo tibi præcipimus pariter & mandamus, quòd si bona & catalla
prædicta, vel aliqua inde parcella, ad manus tuas devenerunt, tunc
tu bona & catalla prædicta eid. *G.H.* deliberari facias indilate: Et si
bona & catalla prædicta ad manus tuas non devenerunt, tunc de bonis
& catallis præd. *I.S.* quæ in manibus tuis jam existunt seu in posterum
ad manus tuas devenerint verum valorem præd. trium libr. deliberari
facias, unde per Barones de Scaccario nostro super computum tuum
habebis allocationem, secundum formam statut. in huiusmodi casu
edit. & provis. Testibus præf. *H.C.* milite, & *A.B.* arm. uno Iustic. præ-
dict. apud *M.* præd. 24. die Sept. anno regni nostri &c.

The

The Returne of a Certiorari, sent to remove an Indictment, may be thus:

First, upon the back-side of the writ of Certiorari, endorse these, or the like words:

Executio istius Brevis patet in quadam Scedula eidem Brevi annexa.

And that Scedule may be thus.

EGO *A.B.* unus custodum pacis, ac Iusticiariorum Dom. Regis, ad pacem in dicto Comit. Kanc. conservandam, necnon ad diversa felonias, transgressiones, & alia malefacta in eod. Com. perpetrata audiendum & terminandum assignatorum, virtute istius Brevis mihi deliberati, indictmentum illud (unde in dicto Brevi fit mentio) una cum omnibus idem indictmentum tangentibus, in Cancellariam dicti Domini Regis, distinctè & apertè sub sigillo meo certifico: In cujus rei fidem & testimonium, ego præfatus *A.B.* his præsentibus sigillum meum apposui: Datum die mensis, Anno Regni, &c.

Then take the Record of the Indictment, and close it within the Scedule, and seale them both together.

FINIS.

Errata

In the first Booke.

Pag. 8. Sect. 28. lin. 4. of that Section for running read cunning.

In the second Booke.

*Pag. 18. Sect. 16. lin. 1. put out the word Ministers. pag. 35. sect. 2. lin. 2. for Pond, read Ponc. pag. 36. sect. 12. lin. 1. for Haukeford read Hankeford. pag. 45. in the last line for palustra read plaustra. pag. 46. lin. 27. for concessum read considera-
tum. pag. 47. sect. 5. lin. 2. read belongeth to the arraignment.*

In the Presidents.

Pag. 32. lin. 1. of the 33. President for quod read si. pag. 39. lin. 21. for sagittant. read lagittans.

Cetera sunt parva, levia, & obvia.

*Wm. Guilhelms & Co. De Feys & Co.
in Comitatu Anglesey
Amigey*

